

1984

# Jeremy Bentham On The Utility Of Religion And The Church Of England

James Edward Crimmins

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**LA THÈSE A ÉTÉ  
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JEREMY BENTHAM ON THE UTILITY OF RELIGION  
AND THE CHURCH OF ENGLAND

by

James Edward Crimmins

Department of Political Science

Submitted in partial fulfillment  
of the requirements for the degree of  
Doctor of Philosophy

Faculty of Graduate Studies  
The University of Western Ontario  
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## ABSTRACT

The dissertation provides a comprehensive study of the neglected religious writings, published and unpublished, of Jeremy Bentham. The origin, character, and purpose of his thoughts on religion have been misunderstood by scholars in the past. The first five chapters are devoted to an interpretive account of the importance of the religious writings and how they are to be understood. The second chapter is a history of Bentham's emerging unbelief, his early disaffection with organised religion, and his subsequent systematic attack on religion in general in later life. In the third chapter the conventional interpretive accounts of the religious writings which emphasize their relation to Bentham's political interests are examined, and it is argued that there exists a necessary connection between the particular theoretical principles of his social science, on the one hand, and the nature of his critique of religion, on the other. But this is not to ignore political matters, for an examination of the relation between religion and ethics and legislation in the early published works, reveals that Bentham conducted a deliberate effort to construct a science of society free from all religious considerations. In Chapter V the critique of religion is shown to be fundamental to his vision of the secular Utilitarian state.

In Chapters VI-VIII the religious writings are reviewed in detail and the exhaustive nature of the utilitarian test of organised, natural, and revealed religion conducted by Bentham is made apparent. The theme of Chapter VI is 'religious liberty', and here his thoughts on compulsory oaths, subscriptions to articles of faith, penal laws against Dissenters,

the plight of the Catholics, and the Common Law crime of "blasphemy" are examined. Chapter VII is a study of Bentham's attack on the Anglican Establishment, its 'sinister' connection with government and its role in the education of the youthful poor, and of his proposals for disestablishment. In Chapter VIII the nature of his critique of Christian doctrines and his attitude to the Scriptures, miracles, asceticism and 'sexual nonconformity' are examined. Finally, in Chapter IX the peculiar character of Bentham's vision of the secular Utilitarian utopia is illustrated and it is shown that atheism is integral to the possibility of its realization.

## ACKNOWLEDGEMENTS

In the preparation and writing of this thesis I have received assistance from many quarters. In particular I would like to express my gratitude to my patient supervisor Dr. Douglas G. Long; his encouragement; advice, diligent reading, and more especially his generosity of spirit were of immeasurable assistance. It is sometimes difficult to be enthusiastic about political thought, the Benthamic kind perhaps more so than most, but Dr. Long can always be relied upon to spark the flames of endeavour.

I would also like to record my indebtedness to Professor M.W. Westmacott and his colleagues in the Department of Political Science at The University of Western Ontario who made me welcome in this 'foreign' land; to the staffs of the D.B. Weldon Library, the British Library, and the University College Library; and to Olga Saupe who typed the finished manuscript.

I owe a special debt to Dr. J.R. Dinwiddy and Dr. Fred Rosen, the past and the present General Editors of The Collected Works Of Jeremy Bentham, who granted access to the papers and manuscript transcriptions of the late James Steintrager, and to the transcriptions (by many hands) of Bentham's later voluminous unpublished correspondence (presently being prepared for the press). Professor Steintrager's many years of work on Bentham's manuscripts on religion made my own efforts many times easier than they would otherwise have been.

For generously supplying transcriptions of other Bentham material intended for volumes of the Collected Works, I thank Dr. Long and Dr. Charles F. Bahmüller. For transcriptions from the Commonplace Books of James Mill and other items of Milliana I am in the debt of Dr. R.A. Fenn of the University of Toronto.

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I am also indebted to the friends who have provided the essential occasions of release from study that all doctoral students need from time to time, and my parents are specially remembered for their invaluable support and much more.

For love and friendship I dedicate this thesis to Johanne.

J.C.

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## CHAPTER I

### INTRODUCTION

The religious writings of Jeremy Bentham (1748-32) have rarely been thought to be of much interest. Where they illuminate particular themes in his thought scholars have enlisted their support, but their concern can hardly be described as anything but incidental. That the religious works have been neglected there is no question. Among the worst examples of the failings of John Bowring as Bentham's editor-in-chief was his exclusion of the religious writings from The Works Of Jeremy Bentham.<sup>1</sup> We can safely assume that they were principal among those works Bowring deemed too 'bold and adventurous' for publication.<sup>2</sup> John Hill Burton, in the first collection of Bentham extracts to be printed, also did not include any sections from the religious publications, and more recently he has been emulated by Charles Everett, Mary Mack, and Bhikhu Parekh.<sup>3</sup> Of late only James Steintrager, and to a lesser degree Mack, in her intellectual biography, and L.J. Hume have spent any significant time considering Bentham's thoughts on religious matters. Mack found fragments from some of the early unpublished manuscripts useful for illuminating the psychology of Bentham's mind as it developed in its formative years, and Hume has briefly considered the close connection that exists between the published work on religion and Bentham's political writings in the period after his supposed conversion to the democratic programme in 1809. In a way these aspects of the work of Mack and Hume nicely complement one another, but even taken cumulatively they leave much to be said.<sup>4</sup>

Before his death in 1981 Professor Steintrager was engaged on the massive task of editing the published works on religion and related unpublished manuscripts for the Collected Works Of Jeremy Bentham, currently being produced under the direction of the Bentham Committee at University College, London. The first two volumes, covering Bentham's views on Church Establishments, were to include Swear Not At All (1817) together with some previously unpublished manuscripts from the 1770's and 1813, and Church-Of-England And Its Catechism Examined (1818) together with some earlier related but unpublished material dated 1812-13. The third volume, in addition to the published text of Not Paul, But Jesus (1823), was to include the remaining two parts of this work which were never completed, and various fragments on 'Sexual Nonconformity' from the 1770's, c. 1785, 1814, and 1816. Finally, volume four was to contain the Analysis Of The Influence Of Natural Religion On The Temporal Happiness Of Mankind (1822), plus a large collection of related unpublished manuscripts which Bentham had originally intended to publish with the Analysis under the general title 'The Usefulness of Religion in the Present Life Examined'. In the event none of these projected four volumes were far enough advanced at the time of Professor Steintrager's passing to allow publication. Hence we must still deal with the scarce original publications where they are at hand and where possible with whatever manuscript material is accessible.

Those who justify the neglect of what amounts to a considerable fraction of the voluminous output of an extremely influential moral and legal theorist generally do so on one of two grounds: their ponderous and convoluted style or their lack of original substance. On the count of style they stand charged with the same deficiency attributed to the bulk of Bentham's later works. The involved and frustrating style of the

later works, including the religious publications, was enough it seems to blunt the zeal of even the most ardent among his disciples. For example, John Hill Burton, Bentham's literary executor John Bowring, the American Ambassador Richard Rush, and John Stuart Mill were all critical of the later style.<sup>5</sup> Complaints of the 'obscure, involuted Benthamese dialect' were common.<sup>6</sup> William Hazlitt's famous pronouncement on the subject is irresistible. Bentham's style, he observes,

... is unpopular, not to say unintelligible. He writes a language of his own that darkens knowledge. His works have been translated into French - they ought to be translated into English. People wonder that Mr. Bentham has not been prosecuted for the boldness and severity of some of his invectives. He might wrap up high treason in one of his inextricable periods, and it would never find its way into Westminster-Hall. He is a kind of Manuscript author - he writes a cypher-hand, which the vulgar have no key to. The construction of his sentences is a curious framework with pegs and hooks to hang his thoughts upon, for his own use and guidance, but almost out of reach of every body else. It is a barbarous philosophical jargon, with all the repetitions, parentheses, formalities, uncouth nomenclature and verbiage of law Latin; and what makes it worse, it is not mere verbiage, but has a great deal of acuteness and meaning in it, which you would be glad to pick out if you could.

Hazlitt's lament that something valuable was in danger of being lost, embedded deep in untranslatable terminology and a tortuous style, should not be missed. In a similar vein the Rev'd Sydney Smith, commenting in a review of the Handbook Of Political Fallacies (1824), thought that a critic could never do a greater service for the philosophical world than by fathoming Bentham's meaning and presenting it to the public 'washed, trimmed, shaved, and forced into clean linen'.<sup>8</sup> Complaints about Bentham's later style have not ceased in the present century,<sup>9</sup> and applicants for the role of 'middleman' continue to come forward.

More frequently today, however, the reason cited for not paying too



much attention to Bentham's later works is that he did not have anything new to say in them. To a considerable extent, it is claimed, the later works (and unpublished manuscripts) are nothing but the completion of plans sketched in earlier years. Charles Everett and Charles Atkinson were both of this opinion.<sup>10</sup>

C.K. Ogden, though he does not mention the religious publications, stands almost alone in making out a case for the importance of the neglected works of the later period.<sup>11</sup>

H.L.A. Hart reverts to the commonly accepted view when he doubts that any new light can be thrown upon the 'central traditional Benthamite themes', though he allows that new topics may be added to the discussion as more of Bentham's work becomes accessible.<sup>12</sup>

David Baumgardt, though he believed that the later writings on logic and certain aspects of Bentham's later ethical and 'juristical' thought deserved some attention, agreed that on the whole, there is little to be gained from the works of his later life.<sup>13</sup> Of the religious works he hardly makes mention, save to assert that the 'anti-religious discussions' pay but a slight dividend.<sup>14</sup>

The impression one is left with is that more than a few of these modern authors would consign the religious writings to the dustbin of history. But they would be making a mistake. For there are several reasons why we should study Bentham's 'anti-ecclesiastical manifestoes', as Ogden referred to them.<sup>15</sup>

First, there is the historical consideration that to know Bentham, at least up to a point, is to know all of him. John Stuart Mill was surely correct to complain of Bowring's omission of the religious publications, commenting that these works, 'although we think them of exceedingly small value, are at least his, and the world has a right to whatever light they throw upon the constitution of his mind.'<sup>16</sup> Yet

to this day Bentham's views on religion, though generally known by students of his thought, still have not been given to the world in full, nor have they received a full critical examination. Moreover, the intimate connection between the religious and the political, philosophical and methodological works (on logic, ontology and language) has yet to be explored to the fullest effect. This is unfortunate for there has long existed in the minds of many a misconception about the origin of Bentham's views on religion, which can only be rectified by setting them in their correct intellectual framework.<sup>17</sup>

Second, though Bentham's thoughts on religion have generated little interest, the past twenty years have witnessed much speculation on the secularization of life and thought during his era. These studies have uniformly ignored Bentham's strictures on ecclesiastical matters, not to mention his more fundamental critique of religion per se. Most notably Owen Chadwick in a recent work on secularization in Europe during the nineteenth century, rich both in detail and substance, did not see fit to ruminate on Bentham's contribution to it.<sup>18</sup> Yet one might justifiably argue that a greater force for secularization in early nineteenth century England than Bentham did not exist. In a very real sense he was a man of the eighteenth century who consciously identified with the philosophes in their endeavour through science to free man from the prison of ~~super~~stition. The neglect of Chadwick and others can perhaps be explained by the admitted virtual anonymity of Bentham's works on religion when published. But to omit discussion of Bentham on this account is to make a fundamental error. For besides the light they cast on his intellectual development and the impact they had on disciples like Francis Place, George Grote, and J.S. Mill, these religious works reveal something of

the careful and calculating manner in which the most penetrating legal and constitutional theorists of the age sought to secularise society, what his vision of secular society was, and what were his hopes for a world without religion.<sup>19</sup> If secularization means, as Chadwick says it does, 'a growing tendency in mankind to do without religion, or try to do without religion...',<sup>20</sup> then surely Bentham's crusade against the English Church and its doctrines, and his attempt to convince others to follow his lead, deserves attention as an important feature of this 'growing tendency'.

It is an odd fact of Bentham scholarship, however, that though his thought is commonly acknowledged to be in some sense 'secular', it has not been thought necessary to spell out precisely what is meant by this.<sup>21</sup> Any comprehensive explication of the secular character of Bentham's utilitarianism must surely include a consideration of his thought and writings on religious matters. Before we can be precise about what qualifies Bentham's philosophy as secular, it is essential that we be clear about what it is that has been rejected. What did Bentham reject? Quite simply he rejected any need for religion, either as an agent of moral progress or as supplying a fundamental requirement of man's nature and attacked it both for its supposed theoretical deficiencies and for its role as a formidable obstacle to legal, social, and political reform.

When Bentham turned his attentions to religious matters his focus was not upon religion as the theologian or church historian might conceive it. In his investigations of the relations between religion and other aspects of human conduct, his central inquiry was not as to whether and in what fashion our conceptions of the cosmic universe and attendant religious beliefs influenced or shaped our concrete actions and social relationships.<sup>22</sup> Rather his attentions were firmly fixed on what he

perceived as the disutility of religious motives and inclinations. In this sense what Bentham produced might be best described as a sociology of religion and, true to the utilitarian view of the unity of theory and practice, upon this basis he zealously sought to change the world. But whereas Weber's primary interest was in religion as a source of the dynamics of social change, Bentham looked on it as the principal bulwark of reactionary politics and an impediment to progress. He aspired, therefore, not only to reduce the influence of organised or established religion, but ultimately, like Proudhon, to eliminate the notion of religion itself from the minds of men. In order to free men from the shackles of superstition and dogma he recognised that religion must be closely scrutinised by the best and most searching tools available, for only then could its dispensibility be revealed.

Unlike the briefer but more penetrating works of David Hume and J.S. Mill on religion, Bentham's religious writings do not provide us with a philosophy of religion. He hardly touched the foundations of the religious experience in any deliberate manner. He seems to have been singularly incapable of proceeding any further than considering religion as a social sanction or as a set of rituals. The notion of religion as a spiritual condition is nowhere to be found in his work. It is characteristic of Bentham's approach that when discussing the difference between what he called 'perceptible' and 'inferential' entities in the 'Fragment On Ontology', he offered as examples of 'human inferential' and 'Super human inferential' entities the soul and God respectively. As these were not germane to his real subject (the discussion of 'real' and 'fictitious' entities), however, he observed with alacrity that they might 'without much detriment, it is believed, to any other useful art, or any

other useful science, be left in the places in which they are found'.<sup>23</sup> Bentham was not interested in any speculations about the essence of religion. When he said that he could have written Locke's Essay On The Human Understanding (1690) in 'half the compass',<sup>24</sup> he meant, among other things, that he would expunge Locke's references to man's spiritual nature and all references to a life hereafter which held out an appeal to this higher or more sublime nature. This denial of the richness of man's make-up forestalled any need to discover its complexity, and thereby disqualified Bentham from writing a philosophy of religion. For how can one write a philosophy of that which does not exist?

Even so, Bentham considered his religious writings an integral feature of his work and left explicit instructions for all of them to be published. The importance of these works to him was clearly considerable, and for this reason alone cannot be ignored. Nevertheless it would be a mistake to take them to compose an isolated component of his writings, a system of ideas to be studied in separation from the main themes of his utilitarianism. His intention seems rather to have been to re-emphasize his frequently voiced concern that he wished only to test the Church, its doctrines and its practices against the standard of utility. In doing this he sought to prove that no area of human conduct is exempt from the test of utility or from the penalties for failing this test. In ethics, legislation, education, economics, and government it was always utility that mattered for Bentham, and in the affairs of religion it could not be otherwise. In this he showed himself to be dogmatically consistent.<sup>25</sup> Indeed, it can be said that utility itself stood in the place of religion for Bentham.

It is in this sense that the material on religion can be said to form a whole. It represents a coherent and comprehensive attempt by Bentham to examine and prove the perniciousness of a central structure of English society. Certainly it is always tempting to look at a body of work on a single subject as a coherent whole, and just as certainly it frequently leads to a misunderstanding of the author's intentions.<sup>26</sup> However, that Bentham himself formed an overall strategy for the extirpation of religion, within which each of the works finds its allotted place, is not in doubt.<sup>27</sup> Essentially the works can be divided into two clearly defined parts: i) the attack on established religion in Swear Not At All and Church-Of-Englandism; and ii) the critique of the temporal influence of religion and attack on Christianity in the Analysis and Not Paul, But Jesus. A comprehensive assessment, however, would need to consider a whole range of other published and unpublished works. Hence, I have also made use of material drawn from the important earlier work on ethics and legislation, in which Bentham first approached some of the themes later expounded in the religious publications, and of a variety of unpublished manuscripts principally drawn from the 1770's, including his earliest concerted effort to mount a critique of official religion.<sup>28</sup> What the whole is intended to illustrate is the extent, depth and nature of Bentham's concern with religion throughout his long and industrious career, from his Oxford days of first doubts to the later years when he pondered the vision of a world without religion.

## Chapter I: Footnotes

<sup>1</sup> The Works Of Jeremy Bentham, Published Under The Superintendence Of His Executor, John Bowring (11 vols. London 1838-43: reprinted, New York 1962). G.F. Bartle, in an unpublished M.A. thesis entitled "The Political Career of Sir John Bowring (1792-1872) between 1820 and 1849" (University of London 1959), argues that Bowring had probably little direct responsibility for the texts published in the Works, though he did determine what was to be included and what left out. J.H. Burns, Jeremy Bentham And University College (London 1962), p.3n.

<sup>2</sup> Sir John Bowring, Autobiographical Recollections Of Sir John Bowring (London 1877), p.79.

<sup>3</sup> John Hill Burton, Benthamiana; Or Select Extracts From The Works Of Jeremy Bentham (Edinburgh 1843); Charles W. Everett, Jeremy Bentham (London 1966), Part Two, Selections From The Major Works Of Jeremy Bentham; Mary Mack (ed.), A Bentham Reader (New York 1969); Bhikhu Parekh (ed.), Bentham's Political Thought (New York 1973).

<sup>4</sup> Mary Mack, Jeremy Bentham, An Odyssey Of Ideas 1748-1799 (London 1962); L.J. Hume, Bentham And Bureaucracy (Cambridge 1981).

<sup>5</sup> Burton, Benthamiana, Introductory Notice, p.x; Bowring (ed.), Works vol. X, p.68; Richard Rush, Residence At The Court Of London (1853), quoted by C.K. Ogden (ed.), Bentham's Theory Of Fictions (London 1932), Introduction, p.89; J.S. Mill, Autobiography, ed. Jack Stillinger (Boston 1969), p.71.

<sup>6</sup> From 'Letters of Dr. Thomas Cooper, 1825-1832', American Historical Review, vol. VI, p.734, quoted by Harold Larrabee (ed.), Bentham's Handbook Of Political Fallacies (John Hopkins Press 1952, Apollo edn. 1971), appendix, p.261n. That Bentham was aware of these criticisms of his style is apparent from Works, vol. X, p.67. He was perhaps introduced to them via the reviews of his work in the journals of the day.

<sup>7</sup> William Hazlitt, Letters On English Poets And The Spirit Of The Age (1825: London 1910), p.181. Hazlitt's italics. Henceforth all italics or emphases in quotations are as per the author quoted.

<sup>8</sup> Sydney Smith in a review of The Handbook Of Political Fallacies, Edinburgh Review (1824), reproduced by Larrabee in Bentham's Handbook Of Political Fallacies, p.261.

<sup>9</sup> See for instance Charles Milner Atkinson, Jeremy Bentham, His Life And Work (1905: Connecticut 1970), p.29; Sir John Macdonald's article on Bentham in the Dictionary Of National Biography; J.W. Allen, 'Jeremy Bentham', in Social And Political Ideas In The Revolutionary Era, ed.

F.J.C. Hearnshaw (London 1931), p.199; H.L.A. Hart, 'Bentham', in Jeremy Bentham. Ten Critical Essays, ed. Bhikhu Parekh (London 1974), p.73; Nancy Rosenblum, Bentham's Theory Of The Modern State (Cambridge, Mass. and London 1978), p.10.

Mary Mack, perhaps the most sympathetic of the recent commentators on Bentham, is an exception. She denies that his later style is uniformly cumbersome, and argues that it depended on the audience for whom Bentham was writing how accessible it was. Sometimes he offered his thoughts in a simplified form for popular consumption; on other occasions they were exhaustively explained in a fashion which he expected only a few to comprehend. Jeremy Bentham, An Odyssey Of Ideas, p.198.

The verdict of Leslie Stephen was that Bentham's 'style was at first clear, terse, and even brilliant. Some of his earlier pages might rank with the masterpieces of Swift and Addison'. But he agrees with the common view that the style deteriorated about 1810 when Bentham began to infuse his writing with his newly coined words. To this C.K. Ogden adds: 'New words such as Bentham coined may have been fatal to his style, and he frequently wrote rather to aid in the clarification of his own thought than for the delectation of posterity; but for some of them the world is the richer. Maximize, minimize, codify, international - all are his.' The Theory Of Legislation (London 1931), introduction, p.xxvii.

<sup>10</sup> Charles W. Everett, The Education Of Jeremy Bentham (New York 1931), p.197; Atkinson, Jeremy Bentham, His Life And Work, p.31.

<sup>11</sup> C.K. Ogden, Jeremy Bentham 1832-2032 (London 1932).

<sup>12</sup> Hart, 'Bentham', pp.79-80.

<sup>13</sup> David Baumgardt, Bentham And The Ethics Of Today (New York 1966), p.374.

<sup>14</sup> *ibid.*, p.488.

<sup>15</sup> Ogden, Jeremy Bentham 1832-2032, p.45.

<sup>16</sup> J.S. Mill, 'Bentham' (1838), Collected Works Of John Stuart Mill, vol. X; ed. J.M. Robson (Toronto 1969), p.99.

<sup>17</sup> In recent years Mary Mack and James Steintrager have sought to rectify these misconceptions. See Mack, Jeremy Bentham, An Odyssey Of Ideas, and Steintrager, 'Morality and Belief: The Origins and Purpose of Bentham's Writings on Religion', The Mill Newsletter, vol. 6, no.2 (Spring 1971). I will review this effort in Chapter Three of this thesis.

<sup>18</sup> Owen Chadwick, The Secularization Of The European Mind In The Nineteenth Century (Cambridge 1975). Other works notable for their neglect of Bentham are Duncan Howlett, The Critical Way In Religion (New York 1980); Alan D. Gilbert, The Making Of Post-Christian Britain. A History Of The Secularization Of Modern Society (London and New York 1980); Edward Royle,



Victorian Infidels. The Origins Of The British Secularist Movement 1791-1866 (Manchester, 1974); David Martin, The Religious And The Secular. Studies In Secularization (London 1969). Royle mentions Bentham in Victorian Infidels but only in passing.

<sup>19</sup> Here I am in agreement with James Steintrager, 'Jeremy Bentham's manuscripts and writings on the utility of religion', American Philosophical Society: Year Book 1969 (Philadelphia 1970), p.464.

<sup>20</sup> Chadwick, The Secularization Of The European Mind, p.17.

<sup>21</sup> That the terms 'secular' and 'secularization' have a wide range of meaning is the subject of David Martin's The Religious And The Secular, Ch.4.

<sup>22</sup> This was the chief concern of Max Weber, particularly in relation to economic action. See Talcott Parson's introduction to Weber's The Sociology Of Religion (London 1965), p.xxi.

<sup>23</sup> Works vol. VIII, p.196.

<sup>24</sup> JB to John Lind (5 Oct. 1774), The Correspondence Of Jeremy Bentham, vol. I, ed. Timothy L.S. Sprigge (London 1968), Letter 122. For an examination of Bentham's other differences with Locke see Douglas G. Long, 'Physical Sciences and Social Sciences: The Case of Jeremy Bentham', Proceedings Of The Canadian Political Science Association, Annual Convention 1975.

<sup>25</sup> The one-time amanuensis John Colls believed he saw both the virtue and disadvantage of Bentham's position: 'The pursuit of the Greatest-happiness principle was the grand aim of Jeremy Bentham throughout the whole course of his life,...but he was perpetually seeking it; and instructing those about him to look for it, either in the creature without, or in themselves - not in Religion; - so that neither he nor they ever found it!' John F. Colls, Utilitarianism Unmasked (London 1844), p.7.

<sup>26</sup> What Quentin Skinner has dubbed the 'mythology of coherence'. See 'Meaning and Understanding in the History of Ideas', History And Theory 8 (1969).

<sup>27</sup> Steintrager says that there are 'explicit remarks as well as ideas implied in Bentham's handling of the topic' to prove that he had an overall strategy, but he supplies no references. 'Report On The Problem Of Editing Bentham's Writings On Religion', Appendix B to the Report by the General Editor, J.H. Burns (12 June 1967, unpublished), pp.3,4.

28 This material is included in the list of Bentham manuscripts dealing with religion which forms Appendix A to this thesis. Study of the extensive manuscripts on religion in the British Library and in the Library at University College, London has been limited by considerations of time, hence in some cases my knowledge of their content is drawn from secondary sources, most notably the catalogues compiled by A. Taylor Milne, Catalogue Of The Manuscripts Of Jeremy Bentham In The Library Of University College, London (1937: 2nd edn. London 1962), and Douglas G. Long, The Manuscripts Of Jeremy Bentham. A Chronological Index To The Collection In The Library Of University College London (1982), printed by the Bentham Committee, University College, London.

## CHAPTER II

### THE RELIGIOUS WRITINGS: THE HISTORICAL CONTEXT AND A BIBLIOGRAPHIC CHRONOLOGY

It is incumbent upon me in this chapter to supply a little of the history of Bentham's religious writings, both published and unpublished, but also to convey an adequate impression of the Church history of the age in which they were conceived and written. For it will be apparent, if not here then in subsequent chapters, that the history of religion and the Church in the eighteenth century is of no small importance in the genesis, and therefore the understanding, of Bentham's views on religion and ecclesiastical establishments. It is my intention to begin by reviewing, albeit briefly, this historical context.

Walter Houghton has argued that the idea that they were living in an age of transition was one with which intellectual Victorians were familiar.<sup>1</sup> The degree of influence Bentham's works had upon the age which followed him remains a vexed question, but certainly his writings in the last three decades of the eighteenth and first three of the nineteenth centuries on jurisprudence, ethics, penal laws, poor laws and education, and his advocacy of democratic institutions, were reflective in large measure of the transitional character of his own times. The post-Napoleonic years in particular saw the rising agitation for political reform, the foundation of the great education movements, the repeal of the Combination Laws (1824) and of the Test and Corporation Acts (1828), the passage of Catholic Emancipation (1829) and the Great Reform Act (1832). In religion, as much as in any other area of social life, it was a period of change, a time which witnessed attacks on the Church from

moderate Whig liberals as well as from the ranks of more recalcitrant radical unbelievers. The breakdown of traditional beliefs and the declining prestige of both the aristocracy and the clergy which accompanied this mood of dissatisfaction, tended to throw individuals back upon themselves. Men came to realize that they were living in a period of significant social change, a time when what had once been deemed permanent no longer looked quite so invulnerable. With the retreat of tradition the individual was forced to take upon his own shoulders more responsibility for his actions than had ever been asked of him before. Bentham not only reflected this mood but encouraged it. In all that he wrote, in his religious works as much as in any others, his aim was to free the world of mysticism, superstition, falsehood and confusions, of everything that prevented or clouded private judgement. No one would claim that the religious writings were among the most influential that he produced, but in this fundamental aspect they were surely in tune with the needs of his time. They stand as a formidable testimony to the growing dissatisfaction of the age with organised religion. His aim was to wrench religionists out of their complacency into active rejection of the beliefs upon which the authority of their faith was founded, and in the process he brought to bear many of his life-long interests in legislation, ethics, judicial procedures, education, language and logic. Many others had similar ideas and aims, but in the works of no other writer of the period is there to be found anything approaching the breadth and range of the critique of religion mounted by Bentham.

The attack on religion witnessed by post-Napoleonic Britain had come after a long period of relative quiet. The second half of the previous century had been for the most part orthodox, occasionally to the

point of persecution (as in the case of the Gordon Riots of 1780), without being deeply theological. Doctrinal problems were largely ignored by the Church, and in clerical circles it was the era of the Church apologists, of Bishop Law and William Paley. Religion to these Christian moralists meant obedience to the will of God as revealed by the Scriptures and interpreted and taught by the clergy of the Established Church. The speculative part of religion was generally accepted by the Anglican congregation because it was assumed to have a hard core of truth at its centre. Paley aside, few attempted elaborate demonstrations of the essential truths of their faith. This state of affairs was to be quickly shattered by the nineteenth century inquiry into religion.

The transition from an age when religion stood at the centre and pervaded every corner of social life, to a time when the fragmentation of the Church became institutionalised was indeed a dramatic one. To understand this movement toward the secularization of life and thought one is irresistibly drawn to cast an eye over the condition of religion in the eighteenth century. Roland Stromberg's view that this was an age which stood very distinctively between the Reformation when religion was 'serious business', and the modern era when it was less so, should not be allowed to mislead us.<sup>2</sup> Long after the theological squabbles of the seventeenth and early eighteenth centuries had been forgotten, or at least had lost their former verve and immediacy, religion remained an integral and often contentious feature of English social and political life. The political and religious settlement following the "Glorious Revolution" resulted in a century of harmonious alliance between Church and State. For as long as the Revolutionary Settlement of 1689 survived

intact the Church was to enjoy the fruits of the defeat of James II and his Catholic accomplices. During the eighteenth century, to borrow a phrase from that arch-traditionalist Edmund Burke, the Church and State were 'one and the same thing, being different integral parts of the same whole'.<sup>3</sup> Even so it was an age of declining popular influence for the official religion of England, particularly from the mid-point of the century onwards. There are several reasons why this should have been so.

In the first place, the intensity of the theological exchanges of the late seventeenth century and the first half of the eighteenth not only propagated the notion (born of the scientific achievements of the age) that man possessed the ability to reason for himself, without the aid of Scripture and Church authorities, about the nature of his world and his place in it, but also wearied men of theological controversy. Doctrinal differences between the orthodox and Arians (who denied the existence of the Trinity) and Unitarians (who denied the divinity of Christ), between the Calvinists and Arminians over predestination and free-will, between Deists, who denied the status of revelation, and those who argued that the doctrines of Christianity could not be established by intellect alone, were frequently conducted in a bitter manner and were often frustratingly tedious in form. Controversies which range abroad into fields where few have competence will soon fade in interest. And so it was in England around the mid-century. To be sure the Church rallied its wandering flock around the standard of orthodoxy, but increasingly the call most often heard was from those voices raised to damn religion altogether, and only materialists, atheists, or sceptics like David Hume, found any philosophical consolation in this.

Secondly, the age witnessed an increasing absorption in business matters and the material side of life. Here the concept of the alliance of Church and State served to conceal a profound dichotomy of interests. The State, in its new Walpolean guise, emerged as the engine for the development of the economic mind. The expansion of trade, birth of joint-stock companies, and the growth of industrial enterprises were all encouraged by the State. Yet these were factors distracting men from the performance of their religious duties. Some, like the Rev'd John Brown, who had some considerable success with his critical An Estimate Of The Manners And Principles Of The Times (1757,58), clamoured against these developments, but generally religion turned a blind eye to some of the more dubious aspects of the new commercial world. At any rate it had little to say about the commercial spirit. It found commerce to be based on selfish interests, but this was thought to be sinful only when practised in excess. Luxury and effeminacy, not wealth and enterprise, it was thought, were the enemies which turned men from religion. In such a manner did churchmen establish a compromise and at the same time justify their own, in some cases, considerable possessions of land and wealth.

Thirdly, and not unrelated to the foregoing, a more worldly approach to morality and politics was ushered upon the eighteenth century stage. Religion was no longer uniformly viewed as the final arbiter in all matters of public or social significance. Sensitive to its diminishing role in the world the Church expounded a more worldly religion which reflected not only this secular tendency, but also the economic facts of a prosperous and complacent age. The reduction of religion to little more than the conduct of prudence was soon enough accompanied by its demise as

an independent force in public life. Sporadic attempts were made to halt the decline in the influence of religion, but coming from within the Established Church they all too frequently failed to distinguish between the need for a defence of fundamental Christian beliefs and an apology for the Established Church. Of course there were sound tactical reasons why the two should go hand in hand, but the age demanded a more profound defence of religion than the Church was likely to raise. More often than not Church and faith came to be presented as inextricably bound. In the work of William Warburton, the Bishop of Gloucester, and later 'theological utilitarians' like John Brown, Edmund Law, and William Paley this invariably appeared to be the case.<sup>4</sup> They defended religion in moral thought on the grounds of practical utility and the role of the Church in temporal matters for the same reason. A temporary success was all they could achieve. What they could not prevent, and what was probably the greatest threat to Christianity, was the general and growing inability of men to accept the central idea of their faith, that they were weak and sinful creatures visited by evil in this life, and who could be assured of better in the world to come only on the condition of industry and humility.<sup>5</sup>

Finally, then, religion was losing its immediacy, its relevance, and its position as the essential spiritual guide for men both in their private and public lives. Yet the pretence of ascendancy in spiritual matters was kept up by the Church by the maintenance of its privileged position as the ally of the State. The Church had always had a powerful influence in English politics, but now it seemed that the maintenance of such influence was its sole purpose for existing. This was achieved, in the first place, by a combination of penal laws and by the employment of oaths and enforcement of subscription to the Thirty-nine Articles as



indispensable requirements for admittance to public life - not only to ecclesiastical office, but to all manner of secular positions as well.

Only those who publicly avowed their faith in Church doctrines were allowed to take university degrees, to occupy positions either in the Church or in government, or be admitted to any office under the Crown. However, while restrictions on Catholics and Dissenters were harsh in theory, particularly for the former, penal laws for religious beliefs were far from strictly enforced. Though this was not an ideal state of affairs, as long as Roman Catholics stayed out of the public eye they were rarely molested, and Dissenters holding public office gained relief for their consciences from 1727 onwards by virtue of an annually passed Indemnity Act. Later in the century the attitude towards dissent became even more liberal, and in 1778 the disabilities that were imposed on Catholics by the 'Act for the further preventing the growth of Popery', passed in 1700, were removed. In the following year dissenting teachers were relieved from subscribing to certain of the Thirty-nine Articles.<sup>6</sup> These, however, were measures which received only a grudging acceptance by an ecclesiastical establishment committed to the maintenance of its political ascendancy over all other religions.

At the same time as it was losing its spiritual credibility the Church was becoming more fully integrated into public life due to its close ties with the State. Besides oaths and subscription the methods employed to maintain these ties were government control of the vast mass of Church benefices, the practice of preferment, and the high value of Bishoprics.<sup>7</sup> Together they constituted the great engine of influence operated by successive ministries in the eighteenth century, and the whole was facilitated by the easy acceptance of 'pluralism' (the practice of

holding more than one benefice) both by the clergy and by the people at large. Quite simply, ecclesiastical preferment depended on politics. Edmund Gibson, the Bishop of London, described his own policy simply: 'the persons whom I recommended to the favour of the Court, were such, as besides their known affection to the established Church, were also known to be well affected toward the administration in the State.'<sup>8</sup> Those who were useful to the administration travelled quickly up the ladder of preferment. The clergy in their turn could render valuable service to the party that sponsored them. The votes of the Bishops and their proxies were often vital in the House of Lords. As Norman Sykes' analysis shows, for example, thirteen of the bishops appointed by William after the Revolution voted with the Whigs to reject the Occasional Conformity Bill in 1703 (only two dissenting); in 1718, however, the bishops appointed by Ann voted with the Tories against repeal of the Occasional Conformity Act (three dissenting).<sup>9</sup> Outside parliament the literary talents of the clergy were exploited by both Court and Country parties, and each Bishop controlled a network of interests in his diocese which were of great importance at election time.<sup>10</sup> In short, the procedure of preferment, as described by Gibson in the early part of the century, brought 'the body of the clergy and the two Universities, at least to be easy under a Whig administration.'<sup>11</sup> But while this system worked to reduce the temperature of religious animosity, it naturally failed to act as a tonic for the general health of the Church. 'A religious languor fell over England', says the historian William Lecky,<sup>12</sup> which may have enhanced toleration but also gave an impetus to all the vices associated with patronage and political influence (pluralities, sinecures, nonresidence), and stocked the clerical ranks with many who were ill-suited for that profession.

It was into this world, in which religion was very much on the defensive and very much unwilling to surrender its position of influence and power, that Jeremy Bentham was born in 1748. In being baptised into the religion of the Church of England he followed not only in the steps of his father, but in those of generations of Benthams, several of whom had held office in the Church stretching back to the reign of Mary Tudor.<sup>13</sup> The religious tensions of the age found an unusual parallel in the history of Bentham's early years. Religious orthodoxy, juxtaposed with a soul in a turmoil of fear and incomprehension, laid the groundwork for later reflections and provided a constant store of anti-religious anecdotes for Bentham to draw upon in his dotage. The story of his boyhood phobia of ghosts and superstitions, of the terrible tricks performed upon his innocent gullibility by the members of his father's household, and of the connection between these and his later crusade against 'fictions' wherever they were to be found, is one that C.K. Ogden, drawing upon the reminiscences of the later Bentham as retold by Bowring, popularised to great effect some fifty years ago. It is now a commonplace in the tale of Bentham's early development.<sup>14</sup> What has been given less attention is that Bentham made the connection between his early childhood experiences and the bitterness he felt toward the intangibles of religion only relatively late in life.<sup>15</sup>

While a child he uncomplainingly fulfilled his Christian duties and respected the authority of the Church. John Hill Burton gives us the impression that he is only retelling the story as he got it from Bentham, when he says that 'the solemn services of the Church of England, had early imbibed (sic) him with a deep veneration for all things connected with... the Church Establishment.'<sup>16</sup> It is the Bentham of old age who recalls

that one of his greatest tribulations as an eleven year old boy 'was the learning Church collects: they used to give me cholic; but my father insisted on my getting them by heart...'<sup>17</sup> But that his religious upbringing was orthodox and that he complied with its duties there is no reason to doubt. The complaints of the old man are not thereby those of the young boy, and a young boy, even one as precocious as Bentham, is not likely to make the connection between his fear of ghosts and visions of the devil, and the 'fictions' of religion. On the contrary, in all likelihood such a boy would be driven into the arms of religion seeking some shelter. It is worth recalling this because the notion of the terror-stricken young Bentham who is, as a consequence, very early on in life disaffected with religion, has been over-played in the past. It was not his 'religious upbringing' or 'the religious training he suffered as a boy' which lay at the root of his utilitarianism, as Mary Mack has argued.<sup>18</sup> The history of his disaffection, first with the Church and later with religion itself, is of a gradual process, and it is difficult to say with precision when this process crystallised in his mind in the form of a definitive stance. What can be said, however, is that the picture drawn by Mary Mack of the young Bentham, 'terrified and repelled by religion', who could not understand 'why it must be painful to be good', oppressed by 'morbid piety', is an exaggeration, largely based upon the recollections of an old man who, it must be said, had let his fancy get the better of his memory.<sup>19</sup>

It is to Bentham's stay at Oxford (1760-64), which he entered as a youth of not quite thirteen years and left a young man of sixteen, that we must look for the concrete evidence of his early disaffection with the Church. When he entered Queens College several of the more than fifty

volumes he took with him were of a religious nature, most notably Buchanan's Psalms, the Rational Catechism, The English Common Prayer Book, and Milton's Paradise Lost and Paradise Regained.<sup>20</sup> There is nothing to suggest that Bentham was not sincerely religious at this time. It is doubtful whether Bowring is correct in saying that the fact that Bentham did not have to take the university oaths on account of his tender age 'relieved his mind from a state of very painful doubt.'<sup>21</sup> Only a short time before he had subscribed to the statutes of the University of Oxford without murmur.<sup>22</sup> But his objections to the swearing of oaths began to dawn upon him soon after, for graduation from Oxford at that time required subscription to the Thirty-nine Articles of the Anglican Church. Perhaps his difficulties arose as Charles Everett has said, not because he was doubting his faith but because 'he was sincerely and deeply religious.'<sup>23</sup>

Being properly raised in religious matters one would expect Bentham, like the rest of his university contemporaries, to take the Articles on trust and to subscribe without question. But Bentham was not like his contemporaries. Instead he set out to examine that which he was being asked to profess to believe. 'The examination', he recalled in later life, 'was unfortunate.'<sup>24</sup> At the head of the Articles he found a statement of Charles I's declaring that the Articles were to be taken literally. His distress upon reading them was predictable: 'In some of them no meaning at all could I find; in others no meaning but one which, in my eyes, was but too plainly irreconcilable (sic) either to reason or to scripture.'<sup>25</sup> He repaired to the master responsible for clearing up such doubts in the minds of young boys only to be told that it was presumptuous for one so young to question that which had been framed 'by

some of the holiest as well as best and wisest men that ever lived.<sup>26</sup>

Bentham signed but there is no question that the experience left an indelible mark upon him, and the requiring of oaths was a subject to which he was to return again and again throughout his long life. The beginning of his disaffection with official or organised religion clearly dates from this time. As he was to say on many future occasions, by imposing the practise of subscription the Church made perjurers of its congregation.

Bentham's second brush with the intolerance of official religion occurred only six months later. In a letter to his father (dated 4 March, 1761) he mentions a number of his friends at Queens who had been converted to 'the Methodical doctrine' and describes them as 'such Fanaticks that they are much more Enthusiastical than the Methodists at London...'<sup>27</sup> The Methodists were not an organised religion separate from the Church of England at this time, but their tendency to hold private meetings of small numbers and their enthusiasm for prayer and hymn singing rankled with the official clergy. That Bentham should consider joining his companions is proof that he had not yet lost all religious belief,<sup>28</sup> and it is certainly not true to say, as Mack has done, that 'his religious convictions had been fixed by the oath-taking ordeal he underwent at Oxford.'<sup>29</sup> Yet neither could it be said, as John Hill Burton suggests, that Bentham entered adult life as a 'zealous supporter' of the Church.<sup>30</sup> The suppression of the Methodists by the University authorities was immediate and final. Charged and convicted of heresy they were 'sent down', and Bentham was left to reflect that religious sentiment and the Church did not always see eye to eye.

These two incidents, his subscription experience and the suppression of the Methodists, both occurring within his first year at Queens, set a trend of thought in his mind that remained unbroken throughout his life. Both the Church and the universities were inextricably linked in his mind with the perpetration of hypocrisy. Oxford was the training school of theology, the 'sanctuary of religion', the jealous guardian of the Church tenets in their pure form. These tenets were found by Bentham to be unmeaning in several crucial instances, and the university by imposing subscription forced perjury upon its pupils. Moreover, Bentham was soon to be made aware that while genuine religious zeal was suppressed by the university, at the same time it housed the infamous Hell-Fire Club, 'a club of Unbelievers, Atheists, and Deists', all the members of which would have had to subscribe to the Thirty-nine Articles of the Established Church.<sup>31</sup> He found little of Christian morality among either the pupils or the masters at Oxford, and to the end of his days spoke of his time there with great asperity.

Over the next few years Bentham read widely and slowly garnered the knowledge that was eventually to lead him to the doctrine of utility. There is little during this period that indicates the state of his mind as it concerns religion. However, by 1769, that fateful year when Hume, Helvetius, and Beccaria together lighted the path before him, Bentham found that he could even be flippant upon matters of grave religious concern. While visiting a tenant on his Rochford estate, a Dissenting Minister with the unlikely name of Boosey, he attended the nearby meeting house where a service was held. Upon hearing his host utter a prayer which included the words 'O Lord! that alterest all events', Bentham it seems could not restrain himself and exclaimed aloud 'O, that

is ultra-omnipotence', burst into a fit of laughter, and quickly removed himself from the bewildered congregation.<sup>32</sup> He explained the incident away as a 'paroxysm', but it was probably more indicative of his thoughts on religious beliefs at this stage of his life than he was willing to allow.

It was to be several years, however, before Bentham first wrote upon religious matters, and when he did it was fitting that his subject should be subscription to articles of faith. The seeds of these writings were present in his thoughts, as we have seen, from an early age, yet it took some ten years before they bore fruit. The "Oaths Controversy", which began among the dissatisfied masters of Cambridge around 1770 and subsequently engaged the pens of several eminent clergymen, would unquestionably have recalled to his mind his own disgruntlement with subscription at Oxford. Some time in 1773 he broke off from his work on Blackstone to jot down his thoughts on the matter, and though these have never been published, the substance of what he had to say about the perniciousness of oaths found its way in later life on to the pages of Swear Not At All (1817). These early writings by no means constitute a cohesive work or indicate a concerted effort by Bentham. The subject of subscription is interspersed with other related topics, the whole amounting to little more than a series of thoughts and reflections.<sup>33</sup> This material went undeveloped at this time for several reasons: Bentham's pressing concern with A Comment On The Commentaries, his life-long habit of leaving projects incomplete to be returned to on a future occasion, and, more interesting, his discovery of another publication on the topic of religion which, he said, left 'nothing for me to add'. Addison's article in volume V of The Spectator No 459 (1712) would appear to be the publication to which Bentham refers, his reference appearing amidst



a list of chapter (?) headings (relating to subscription, oaths, juries) under the general title 'INTRO. Sanction Religious. Abuses debilitating of the Religious Sanction. Catalogue of'.<sup>34</sup>

The theme of Addison's article is the division of Christian duty into 'morality' and 'faith' and the reasons why the first is pre-eminent over the second. The argument, in short, is that the excellence of faith consists only in the influence it has on morality. Underlying this argument is the implied criticism that the 'pure and uncorrupt' doctrines of Christianity may not be those embraced by the national Church, and that 'persecuting men for conscience sake' occasions untold evils:

besides the imbittering their minds with hatred, indignation, and all the vehemence of resentment, and insnaring them to profess what they do not believe; we cut them off from the pleasures and advantages of society, afflict their bodies, distress their fortunes, hurt their reputations, ruin their families, make their lives painful, or put an end to them.<sup>35</sup>

Bentham's writings of 1773 are fragmentary but in similar vein, particularly his strictures on the consequences of enforcing subscription to the Thirty-nine Articles:

That state of prepared imbecility which is necessary to a mind for the tranquil reception of one parcel of Nonsense, fits it for another....A man who after reading the scriptures can bring himself to fancy the doctrines of the Athanasian Creed...his mind if not already blotted over with hieroglyphical chimeras is a sheet of blank paper, on which any one who will press hard enough may write what scrawls he pleases.<sup>36</sup>

That there was nothing left for Bentham to add to Addison's four page article, however, must be seriously doubted. His own experience at Oxford would have made interesting, even poignant, reading on the subject. Moreover, the matter of oaths had recently occasioned a heated public dispute, and for a young man keen to make his mark in the world, this would appear to have offered an excellent opportunity

to unite controversy with the sincere belief that there was a wrong to be righted. It comes as something of a surprise, therefore, to find Bentham excusing himself from completion of a work on subscription on the grounds that it is 'a little out of season'.<sup>37</sup> It is true that the 'oaths controversy' at Cambridge had died down and was no longer a burning issue by 1773. The failure of the "Feather's Tavern" Petition of 1771 to gain a relaxation of the requirements of subscription signalled the beginning of the end of the agitation. Bentham may have simply 'missed the boat', as it were. But then why did he even bother to start such a project? When so much had been published by clergymen themselves on this matter (many had signed the petition for relaxation, including Bishop Law), Bentham could have had little to fear from the courts in the way of prosecution. Whatever be the reason, he abandoned the subject and returned to his work on jurisprudence, to his critique of Sir William Blackstone's Commentaries On The Laws Of England.

A Comment On The Commentaries was begun by Bentham in 1774 and largely completed within the year (a few additions were to be made over the following two years). However, this is not to say that the subject of religion was completely cast out of his mind. In the same year as he made a start on A Comment he published a translation of Voltaire's Le Taureau Blanc as The White Bull (1774), and utilised the preface in order to take a few short but sure hits in the philosophe manner at the resistance to change of organised religion. Added to this, the important section of A Comment on Divine Law also occupied much of his time and seems to have caused him some difficulty.<sup>38</sup> Nor had the topic of oaths been forgotten. Bentham was always adept at combining current interests with his study of the law, and here we find him turning aside from his main subject

to score a general point against Blackstone and against Oxford, where he had heard him lecture. Blackstone is marked down as typical of those 'nurtured in that Sanctuary of religion where a man steps not across a gutter but to break a Law, nor breaks a Law but he must break an oath ... 39

It is difficult to assess Bentham's attitude toward religion during this period of his life. His work on Blackstone, punishment, the penal code, and laws in general naturally led him to consider religion as it touched on these matters, but the points of connection, where they occur, are tackled dispassionately and occasionally with some hesitation. For instance, in A View Of The Hard Labour Bill (1778) his desire to see an extension of relief for Nonconformists led him to advocate that a provision be made in the bill, allowing believers of all denominations the right to attend services administered by their own priests in the proposed 'labour-houses'.<sup>40</sup> On the other hand, in a letter of 30 March 1779 to the secretary of the Oeconomical Society of Berne, he indicates an uncertainty as to the appropriateness of including religious topics in his Plan Of A Penal Code.<sup>41</sup> What does emerge during this time, however, as can be seen from the pages of An Introduction To The Principles Of Morals And Legislation (printed in 1780, but not published until 1789), is Bentham's antipathy to asceticism in all and any of its manifestations. Having briefly touched on the subject in 1774 in connection with 'sexual nonconformity', he returned to it around 1778 to give it a definitely religious context.<sup>42</sup> Whereas previously his hostility had been directed at particular Church practices, here for the first time in print Bentham argues that religion per se is responsible for mischief. His exhaustive analysis of the role of the religious

sanction in legislation and in morals during the second half of the 1770's certainly brought him to this stand against religious asceticism, and he once again pondered the subject in 1780 in connection with his writing on 'indirect legislation'.<sup>43</sup> But from this time on, miscellaneous fragments aside, there is no sustained commentary on, or critique of, religious matters for almost the next thirty years of his life. In 1785, it is true, he did look again at the subject of 'sexual non-conformity', but there is little here regarding religious asceticism that one cannot find in the earlier manuscripts of 1774.<sup>44</sup>

In 1781 Bentham still attended the household Sunday service while at Lord Lansdowne's Bowood estate, but this he did for the sake of form, not wanting to offend his hosts. To his friend George Wilson he expressed his sentiments about this in a typically irreverent manner:

having been paying my devotions - our church, the hall & our minister, a sleek young parson, the curate of the parish - our saints, a naked Mercury, an Appollo in the same dress, and a Venus de Midicis - our congregation, the two ladies, Captain Blankett, and your humble servant, upon the carpet by the minister - below the domestics, superioris et inferioris ordinis. Among the former I was concerned to see poor Matthews, the librarian, who, I could not help thinking, had as good a title to be upon the carpet as myself...<sup>45</sup>

Yet shortly after (c. 1782) Bentham could still declare himself to be 'much scandalized' upon being told by Lord Dunmore that Christ's was not the only revelation, but that there had been several including

Mahomet's.<sup>46</sup> These and other similar snippets aside, however, there is little from 1780 to 1809 to indicate the development of his views on religious matters. Legislation, evidence, civil code, France, economic issues, Panopticon, the Poor Law, Scottish reform, these are his principal areas of concentration during these years, and references to religion are minimal.<sup>47</sup> L.J. Hume has said that Bentham began again to

look critically at the Church in the last decade of the century, and that this was inspired by the agitation of the Dissenters for repeal of the Test Acts in the years 1787-90, a campaign to which his friend James Trail had drawn his attention in early 1787, while he was in Russia.<sup>48</sup> But Hume, working according to the dating by A. Taylor Milne of some of the manuscripts in U.C. Box 5 at c. 1800, is probably mistaken. There is no indication that any of the manuscripts he cites (U.C. Box 5/33-39) were written while Bentham was in Russia (January 1786 to November 1787), which one might expect if Trail's news really did interest him. Moreover, this material seems to be closely related to most of the other manuscripts in U.C. Box 5. Headed 'Church' or 'Church Contents' they include jottings on a wide range of topics including clerical abuses, Church liturgy, tithes, the expense of maintaining a religious establishment, as well as on religious tests and penal laws designed to exclude Dissenters from public life. One sheet has the sub-heading 'Principles of Ecclesiastical Polity' (U.C. Box 5/33), and Bentham appears to have intended a section of this work on the Church to be a 'Plan for an Ecclesiastical reform in England' (U.C. Box 5/35). All this leads me to suppose that these manuscripts belong to a much later period, probably to the period when he devoted so much of his time to analysing the Anglican Establishment and suggesting reforms of its institutions, which is to say between 1809 and 1817.<sup>49</sup> There is, then, I would maintain, a thirty year gap, that is from around 1780 to 1809, before Bentham addressed matters of a specifically religious nature again. Why this should be so is in part the subject of the following chapter.

When Bentham turned his thoughts to religion in 1809 he was no longer concerned solely with its deficiencies as an agency of morality, as he had been in the Introduction, nor was he content to single out isolated features of organised religion for special consideration, as in the early manuscripts on subscription. He now launched a general political attack in which the key concepts for the indictment of ~~the~~ Church were 'influence', 'sinister interest', and 'corruption'. The writings on religion of the period 1809-23 are paralleled by and intimately related to his concern for parliamentary reform. Bentham saw them as two aspects of the same engagement to reform the constitution. His concern with the constitution dates at least from A Fragment On Government (1776), but in the period after 1809 he was gripped with a fervour for reform which permeated all aspects of his thought. In the drafts for 'Parliamentary Reform' of 1809-10 we find him cataloguing agencies of corruption, including social and psychological sources of influence, under which he listed religious faith and the operations of laws imposing religious tests. These were instruments tending to corrupt morals and create confusion among the people, which in turn facilitated the domination of the monarchy and the ministry.<sup>50</sup> This was the beginning, then, of Bentham's second period in which religious matters loomed large, for it was not long before he was busy sketching outlines and plans for voluminous works on the Church and its doctrines. For the next fourteen years of his life religion was to be a field of intense activity. Four works constitute Bentham's total output on religion and all belong to this later period: Swear Not At All (written sometime prior to 1812, printed 1813, published 1817); Church-Of-Englandism And Its Catechism Examined (written 1812-17, published 1818); Analysis Of The Influence Of Natural Religion

On The Temporal Happiness Of Mankind (written 1821-22, published 1822); and Not Paul, But Jesus (written 1813-23, published 1823).

These works were published at a time of uncertainty for Britain. The post-Napoleonic years proved to be a time of political and social unrest. It was a time when men of position might be excused for thinking that the duty of all good citizens was to strengthen the political and ecclesiastical structures, to whose maintenance the dearest interests of civilisation and national survival seemed to be bound. If one expected such intemperate and radical attacks on the Church and the teachings of Christianity as Bentham's to cause popular dissension from official religion, or even if one expected the wrath of the authorities to fall upon the author's head, one was to be disappointed. If ever four works of an author of reputation 'fell stillborn from the press' these were they. Even Bentham seems to have been entirely indifferent to their fate once they were published. In the correspondence of the time, they are hardly mentioned, which, considering how much time he expended on them, is a little surprising. Only Not Paul, But Jesus attracted any attention at the time of publication and occasioned several replies.<sup>51</sup>

Bentham found it expedient to publish two of the works using pseudonyms. The Analysis appeared under the name "Philip Beauchamp" and Not Paul, But Jesus with the nom de plume "Gamaliel Smith". Even Church-Of-Englandism was originally intended to appear as the work of "An Oxford Graduate". No doubt fear of prosecution for "blasphemy" was a factor influencing these decisions, but Bentham may also have wanted to avoid disaffecting some of the more moderate reformers amongst his followers. Because of his usual scribbling ways and other projects

that pressed upon his time he also found it expedient to use editors. Bentham frequently had occasion during his career to resort to editors to produce his work for publication. With his approval, and presumably with some supervision, Etienne Dumont, James Mill, John Stuart Mill, Samuel Romilly, Edwin Chadwick, Peregrine Bingham, and others, laboured to collate manuscripts, polish texts, and publish the works that bear Bentham's name. Occasionally he quarrelled with some of these and accused them of misinterpreting him, but in the case of the editors of the religious works there appear to have arisen no such disagreements. Sir John Macdonell in his article on Bentham in the Dictionary Of National Biography thought it unclear precisely what share Bentham actually took in the production of the religious publications:

'Having not a particle of literary vanity, he put no restraint on the editors of his manuscripts, and they did not hesitate to use this liberty'. But this is misleading. In the main the published volumes on religion represent the views and are the work of Bentham in the mature phase of his thinking on religious matters. That the editors acted under his guidance there is little reason to doubt.

Swear Not At All, the only one of the religious works to be included by Bowring in his edition of the Works, was also the first of them to appear in print and is particularly interesting, providing a link both with Bentham's earliest complaints about the Church and with his writings on evidence in the first decade of the nineteenth century. As we have seen, his first jottings on the subject of subscriptions to articles of faith occurred in 1773. Sometime between 1803 and 1811 he had occasion to return to the subject again when writing about judicial oaths in the Rationale Of Judicial Evidence (completed in 1811, but not published



until 1827), and Swear Not At All was a product of this. The title page states that it was 'predetached' from the introduction to the Rationale Of Judicial Evidence. Later still (1812-13) Bentham developed some of the arguments of the subscription manuscripts for his proposed work on the Church, but these were never published.<sup>52</sup> The delay in the publication of Swear Not At All, some six years or more, has not been accounted for. In the 'Advertisement', Bentham says that he has been induced to publish because of 'the addition so lately made of the scourge of religious persecution to the yoke of despotism: - for a pretence for punishment as for blasphemy...; and by men by whom the profession of piety has been converted into an instrument of power, the exertions so lately made, to bolster up by the force of their punishments the imbecility of their arguments.'<sup>53</sup> Recent prosecutions for "blasphemy", then, a method commonly used by government at this time to suppress literature deemed to be of a seditious or libellous nature as well as tracts aimed directly at the Church and Christian beliefs, would appear to have supplied Bentham with the urge to publish his attack on the laws requiring oaths and subscriptions. But why the gap of four years between the printing and the publication of Swear Not At All? It may have been that Bentham intended to incorporate his arguments against oaths into Church-Of-Englandism which he was busy writing during these years, and the duplication of what he had to say may have stayed his hand. In the event the work on the Church dragged on and some provocative prosecutions by the Attorney-General encouraged Bentham to publish his long-held views on the practice of oath-taking.<sup>54</sup>

Church-Of-Englandism had its birth in Bentham's more general disgruntlement with the Church. As early as 1809, when engaged on what was to become the Plan Of Parliamentary Reform (1817), he had a work

on the Church in mind.<sup>55</sup> According to a note dated July 1818, this work was 'written before Church of Englandism' but was 'not published or finished'.<sup>56</sup> What remain are an outline and the related text of Chapters 2-6 under the title 'Church Part II Doctrines' which date from 1812-13.<sup>57</sup> Some of this material made its way into Church-Of-Englandism, but as the outline confirms it was planned as a much more extensive work than that which Bentham actually managed to produce in draft. It was the Church's involvement in education that persuaded him to set about rearranging his material and to alter the focus of the work. Convinced that the Anglican Church had only established the National Schools Society (founded in 1811) in order to thwart the efforts of Joseph Lancaster and others, including himself, to establish non-sectarian schools for educating the poor,<sup>58</sup> Bentham embarked on an expansive critique of the role of the Church in education and coupled this with his more general criticisms of the Anglican Establishment. The result was Church-Of-Englandism And Its Catechism Examined, a more scathing and far-reaching analysis of official religion than had initially been planned, but a work clearly rooted in the earlier manuscripts of 1812-13. That the published volume is a synthesis of two distinct bodies of work - the unfinished work on the Church and the later strictures on the National Schools Society, principally dating from 1814-16 - is to some extent revealed by its format. There are two 'Prefaces' (pp.i-xxxiv), a 'Plan of the Work' (pp.xxv-lv), and two entirely separate parts to the main text - 'Church-Of-Englandism' proper (pp.1-248) and 'The Church of England Catechism Examined' (pp.1-86) - which in turn has five appendices (pp.87-456).<sup>59</sup> There are four different series of pagination, and

footnotes which occasionally run on for several pages, and it is not uncommon for there to be footnotes to the footnotes. These nearly 800 pages are, as L.J. Hume has remarked, 'perhaps the most chaotically arranged of all Bentham's publications.'<sup>60</sup>

On this occasion Bentham did not employ an editor to relieve him of the tedium of arranging the text. We can only wish that he had found someone to perform this task. Samuel Romilly was approached but his reticence in even undertaking to proof-read the text, 'to note as he read such passages as to him should present themselves as dangerous' and to suggest amendments 'as he thought might ensure safety', is understandable. Bentham, however, did not think so. Romilly, he wrote, 'has broken his word to me'. It was his opinion that Romilly balked at the section on sinecures and the over-payment of offices, which, as a Whig and an expectant of office, 'he toils to have his share in the disposal of', and then foreseeing the direction of the work read no more.<sup>61</sup> There is every reason to accept Bentham's assessment of the situation. Romilly, though a friend and admirer of Bentham for many years, had a history of caution where proposals to publish radical or potentially offensive works were concerned. In 1793 he advised Bentham not to publish Truth v. Ashurst because it contained some praise of the French, and the work did not appear until 1823.<sup>62</sup> In 1802, after reading Bentham's strictures on the role of the Duke of Portland's ministry in the Panopticon affair, he warned him that to publish was to risk a charge of libel.<sup>63</sup> Again it was Romilly who persuaded him not to publish The Elements Of The Art Of Packing in 1810 for fear of prosecution by the Attorney-General, and Bentham agreed to delay publication until a more tranquil day

should offer itself.<sup>64</sup> It eventually appeared in 1821. Already regretting the publication of the Plan Of Parliamentary Reform (1817)<sup>65</sup> now, believing that it could 'not fail to shock all persons who have any sense of religion', Romilly was quick to advise that Church-Of-Englandism be suppressed. Bentham ignored this and also refused to listen to later requests that the work not be distributed.<sup>66</sup>

Francis Place had none of Romilly's reticence where radical politics or the propagation of unbelief was concerned and he readily busied himself looking for a publisher for Church-Of-Englandism - no easy task in the troubled post-Napoleonic years.<sup>67</sup> In the effort to suppress literature of a radical nature, booksellers and publishers of anonymous tracts that were declared "blasphemous" or "libellous" by the magistrate were liable to prosecution under English Common Law.<sup>68</sup> This may well have forced Bentham to publish under his own name.<sup>69</sup> For a time, however, he was under the impression that the inclusion in Church-Of-Englandism of his correspondence with the respected Unitarian M.P. William Smith, on the subject of the Unitarian Toleration Act of 1813, would be sufficient to lessen the risk of prosecution for a bookseller.<sup>70</sup> In the end only the author's name on the title page would do.<sup>71</sup>

Bentham was to avoid such risks with the apparently less threatening Analysis Of The Influence Of Natural Religion. This was given to the world under the pseudonym of "Philip Beauchamp". It was begun in 1815 (completed in 1821), but there is an outline dating from as early as 1811 which shows that Bentham had the overall plan clear in his mind at the outset of his attack on the Church and its doctrines.<sup>72</sup> Moreover, its subject - the disutility, and indeed perniciousness, of the religious

sanction - was not new to Bentham. Whenever he wrote of law and the role of sanctions, from the early 1770's on, he added to the stockpile of his displeasure the mischief perpetrated by the religious sanction, and looked forward to the day when the legislator would no longer have to take the religious sensibilities of the people into account. The Analysis represents the systematic gathering together of all Bentham's previously stated grievances over the influence of the religious sanction in the temporal concerns of society.

There has been some controversy concerning the responsibility for the finished work. That the book was based on Bentham's manuscripts is not in dispute. The British Library has four volumes of manuscripts which were sent by Bentham to George Grote in November and December of 1821.<sup>73</sup> In the main they are in the hand of John Colls, Bentham's amanuensis of the time, or in the hand of Bentham himself. These were the manuscripts used by Grote to produce the Analysis. The article in the Dictionary Of National Biography on Grote records that a comparison between the finished work and these manuscripts 'shows the enormous amount of labour required to bring them into form. Grote had practically to write the essay leaving aside the greater part of the materials before him and giving to the remnant a shape that was his rather than Bentham's.' Leslie Stephen concurs with this view: 'to me it seems clear that it owes so much to the editor, Grote, that it may more fitly be discussed hereafter.'<sup>74</sup> On the other hand M.L. Clarke, Grote's biographer, who admits to not having examined the manuscripts very closely, believes 'that Grote conscientiously reproduced Bentham's arguments, and that there is

nothing of his own in the substance of the book.<sup>75</sup>

In a letter to Grote of 9 December 1821 Bentham introduces the manuscripts for Grote's 'tactical powers' to 'make good use of', and refers to them as 'a garden of good fruits'. The remainder of the letter then proceeds to give a general outline as to how Grote might set about his task.<sup>76</sup> In a second letter Bentham offered to look the manuscripts over and see whether he 'could do any thing more towards rendering the work more methodical, correct, clear, concise and comprehensive'. 'Should it be found necessary', he adds, 'grudge not the trouble of recomposing...if any considerable additions be found requisite, nobody can be better qualified for making them than yourself.'<sup>77</sup> In such manner Bentham authorised George Grote to rewrite and, if necessary, to make additions to his original material. In the event Bentham's directions of 9 December were very closely followed by Grote. In other words, he used the manuscripts according to the plan set out by Bentham. However important Grote's editorial duties, and these should not be underestimated given the bulk of manuscripts he was asked to deal with (these were intended for a much larger study than the published work represents), we can be sure that the book truly reflects Bentham's opinions on the topic of the influence of the religious sanction on temporal happiness.

The book was eventually published in 1822 by Richard Carlile, who was already serving a six year sentence in Dorchester Prison for publishing "blasphemous" literature and unlikely to be prosecuted further for this, his latest affront to the religious beliefs of the English public. Though Bentham's authorship was not long a secret,<sup>78</sup> Grote's hand in the work was not revealed until after his death. His wife makes no mention of the book in her life of her husband, but

the reviewer of this biography let the secret out in the Edinburgh Review. The 1875 edition of the Analysis and the French translation of the same year both make clear Grote's involvement, the latter describing it as 'd'après les papiers de Jer. B., par G. Grote'.<sup>79</sup>

Similar editorial questions surround the production of Not Paul, But Jesus, published in 1823 under the pseudonym of "Gamaliel Smith". Alexander Bain records that Edwin Chadwick, who was a close companion of Bentham's in his later years, once told him that Bentham began the book in 1815 as a result of the deterioration in his sight: 'He was living at Ford Abbey; and the only book he could read was a large type Bible belonging to the house. He then fell upon what he conceived the discrepancies between the Gospels and the Acts of the Apostles.'<sup>80</sup> However, according to a note by Place in his copy of the work 'the matter of this book was put together by me at Mr. Bentham's request in the months of August and September 1817 - during my residence with him at Ford Abbey, Devonshire'.<sup>81</sup> But as Graham Wallas, Place's biographer, has pointed out, while the manuscripts are mostly dated 1817 in Place's hand there are some dated as late as 1818.<sup>82</sup> To this the Dictionary Of National Biography adds that during his stay at Ford Abbey, Place was hard at work learning Latin, such that it does not even appear as likely that he could have completed the task as he reports. Having said this Place's involvement in the production of the book at some level cannot be doubted. Entries in the diary of John Colls reveal that the manuscripts were passed to Place via Bowring in January of 1821, and the Summary View Of Not Paul, But Jesus, published later that same year, announced that the work would be speedily published. Yet in early 1823 Bentham was still enquiring of Place how the work was progressing.<sup>83</sup> Wallas claims that the manuscripts

had 'been rearranged, condensed and "pulled together" in making the book',<sup>84</sup> and perhaps Place had some hand in this. But it is difficult to substantiate that this is what actually occurred. The fact is that only a relatively small portion of the manuscripts upon which the published work is based are extant, most of the remaining manuscripts that go by the title 'Not Paul' being material suppressed by Bentham or which he hoped would appear at some future date. This material includes the 'Church History from Jesus' Ascension to Paul's Conversion';<sup>85</sup> an unpublished appendix with the title 'Paul's Inducements';<sup>86</sup> suppressed material on the doctrinal differences between Paul and Jesus;<sup>87</sup> the intended second volume or part to Not Paul, But Jesus entitled 'Sextus', which is a discussion of asceticism<sup>88</sup> and harks back to the early fragments on sexual nonconformity of c. 1774 and c. 1785; and, finally, the planned third part of Not Paul, But Jesus (a continuation of part two) with the title 'Asceticism: its repugnancy to the religion of Jesus', which was intended to prove by an analysis of the sayings and life of Christ that he was opposed to the doctrine of asceticism.<sup>89</sup> What remains of the material upon which the published work was based accounts for only a few of its many sections,<sup>90</sup> consequently it is difficult to say precisely just how much of a hand Place had in the book.<sup>91</sup> In his Autobiography he explicitly attributes the work to Bentham and, even taking modesty into account, there is no reason to doubt him.<sup>92</sup> As a confessed atheist<sup>93</sup> he welcomed the publication of anti-religious literature and would have eagerly assisted in any such enterprise. But Place was no Greek scholar (the interpretations of the Gospels in Not Paul, But Jesus are from the Greek) and the levity with which the subject of revelation is approached is quite beyond anything Place is



reputed to have been able to manage.<sup>94</sup> There seems little doubt that he played only a minor role, and that purely as an editor of sorts, in the publication of what the mysterious Martha Colls described in a letter to Etienne Dumont as 'the comical book'.<sup>95</sup> Amusingly enough the relevant part of this letter ends with the report (tongue firmly in cheek, one supposes) that some people are saying that a new sect will be established based on the teaching of "Gamaliel Smith". But perhaps a sect of anti-religious utilitarians was not so far-fetched an idea.<sup>96</sup>

For one of Bentham's radical lieutenants, however, membership in such a band could not comfortably be assented to. It remains for me to briefly consider Bentham's relationship with his literary executor John Bowring, the man who was to supervise the publication of the eleven volume edition of The Works Of Jeremy Bentham, but who omitted all the religious writings, published and unpublished, save Swear Not At All, from that collection. The acquaintance began in 1820 and for the last ten years of the life of the old sage they were constant companions: Bentham reminiscing and reflecting on the events of his long life and Bowring jotting everything down and gathering together the correspondence for a memoir of his master. His final tribute to Bentham was, of course, the publication of the Works, a significant portion of which was based on unpublished manuscripts. Bowring has been much criticised for the manner in which he assembled the works, and rightly so. The small print, double-columned pages do not lend themselves to easy reading, and the haphazard arrangement of the contents gives one little sense of the relationship between the individual items. But more reprehensible is Bowring's complete disregard of Bentham's wishes

in suppressing the admittedly vast volume of unpublished material on religious subjects, and particularly his refusal to publish as part of the Works that which was already in a finished state and did not involve the time of an editor. It is true that Bentham had said on several occasions that it would be better if certain material was not published during his lifetime on the grounds that it would likely threaten any good that his other efforts might produce, but he also indicated that the unpublished religious writings should appear at some future date.<sup>97</sup> Why did Bowring not fulfill these wishes? John

Colls' inference that he refused to publish the religious works because earlier editions remained unsold is hardly convincing.<sup>98</sup>

This could be said of more than a few of Bentham's other works which were included in the Works. Surely the truth is that, though a radical in politics and a firm adherent of the utilitarian doctrine, Bowring could not find it within himself to apply the test of utility to Christianity itself. He saw that Swear Not At All was an attack on Church authority, but the other religious works went too far down the road to infidelity for his liking. As a Unitarian, a founder member of the Non-Con Club (1817) established to promote the principles of truth and liberty, and of the Unitarian Association (1818) devoted to protecting the civil rights of Unitarians,<sup>99</sup> he could not possibly follow Bentham down this particularly blasphemous path.

Sadly there is no record in the Works or in Bowring's disappointing autobiography of any exchanges between the two on religious matters.<sup>100</sup> Yet Bentham must have been aware of his young friend's beliefs. Sir Leslie Stephen is probably correct that Bowring 'judiciously agreed to avoid discussions upon religious topics with his master.'<sup>101</sup> Even so it seems extraordinary that while Bentham was planning to republish part of

Church-Of-Englandism Bowring was writing a volume of prayers and hymns.<sup>102</sup> Yet this man of religion, this writer of hymns and prayers, was the man to whom Bentham consigned writings which could not but be offensive to him. Just how offensive the neglect of the religious works during the past 150 years sufficiently indicates. That Bentham's judgement was clouded in his last years there is no doubt, and Bowring was a renowned flatterer of the old gentleman who would have known how to stay clear of tender parts. But Bentham's mind was not so far gone that he would so hopelessly misjudge Bowring. For all his faults Bowring was a genuine radical, zealous in the cause of religious liberty and political reform. Through the Unitarian Association he played a leading part in the repeal of the Test and Corporation Acts (1828) and, from within parliament, in the passing of the 1832 Reform Act, and in an anonymous pamphlet published in 1842 he upheld the original principles of the University of London in opposing the introduction of a course in Divinity and the establishment of a university chapel for the use of 'Church-of-Englandists'.<sup>103</sup> During a time when compromise seemed the best road to progress, Bentham would have taken great comfort in the fact that his radical views on political questions and his strictures against the establishment in general were shared by an eager and not incapable follower.

Certainly Bowring does not seem to have dampened his enthusiasm for attacking religion wherever the opportunity arose. Bentham never left off pondering religious questions right up to the end of his days. There exists a collection of jottings of 1830 on the 'utility of religion',<sup>104</sup> and his Memorandum Book for 21 June 1831 contains the query 'J. Be to draw up a plan for Church Reform?'.<sup>105</sup> Nor was this fanciful thinking.

Amongst Bentham's proposals of that year for the establishment of a Colonisation Society are several sheets on which ideas for a 'Book of Church Reform' are set forth.<sup>106</sup> Though these were intended by Bentham to be a critique of Southey's Book Of The Church (1824),<sup>107</sup> it seems that he ran out of steam and published in their place a collection of extracts from Church-Of-Englandism.<sup>108</sup> No more of any significance was to come from the hand of 'the Hermit of Queens Square Place'. He died a peaceful death on 6 June 1832, after leaving instructions that his body be dissected for the purpose of medical research and then mummified and placed in a suitable corner of the new University of London in Gower Street.

From the timid and dutiful boy frightened by tales of ghosts and nightmares dominated by the devil, to the Oxford student of first doubts, to the middle years of quiet unbelief and, finally, the zealous atheism of later life, Bentham's journey was characterised by the growing conviction that religion was not always what it professed to be, until his distaste for the doctrines, practices, and orders of religion became almost fanatical. This chronological survey of the religious writings provides us with the beginnings of a comprehensive account of the history of this development. With the spiritual power of religion in decline the Anglican Church clung fast to its privileges and to its position as the chief ally of established government. This political arrangement caused Bentham unease even in early life, yet he was an old man of sixty before he publicly avowed his views. Why was this? In the following chapter I intend to explore the reasons for his reserve in publishing his attack on the Church and its doctrines, and to assess the nature of the relationship between this attack and his stance on political matters. But the breadth and depth of Bentham's critique cannot be understood, as

some have thought, entirely in terms of politics; his unbelief was deep-seated and warmly held and requires that our framework of understanding be of a broader nature. Hence in subsequent chapters I intend to round off this history by considering the development of his views on religion in connection with other aspects of his thought - the methodological principles of his social science and his writings on ethics and legislation.

## Chapter II: Footnotes

<sup>1</sup>Walter E. Houghton, The Victorian Frame Of Mind, 1830-70 (London 1957), p.1.

<sup>2</sup>Roland N. Stromberg, Religious Liberalism In Eighteenth Century England (Oxford 1954), p.ix.

<sup>3</sup>Edmund Burke, 'Speech On The Petition Of The Unitarians', Works (1792-1827), vol. V, p.353, quoted by E. Neville Williams, The Eighteenth Century Constitution 1688-1815. Documents And Commentary (Cambridge 1970), p.325.

<sup>4</sup>William Warburton, The Alliance Between Church And State; Or The Necessity Of An Established Religion, And A Test-law, Demonstrated (London 1736); John Brown, Essays On The Characteristics Of The Earl Of Shaftesbury (London 1751); Edmund Law, 'On Morality and Religion' and 'The Nature of Obligation of Man as a Sensible and Rational Being', prefixed to William King's Essay On The Origin Of Evil (5th edn. London 1781); William Paley, The Principles Of Moral And Political Philosophy (London 1785). See also Crimmins, 'John Brown and the Theological Tradition of Utilitarian Ethics', History Of Political Thought, vol. IV, no.3, Winter 1983.

<sup>5</sup>Stromberg, Religious Liberalism, p.120.

<sup>6</sup>For extracts from these documents see Williams, The Eighteenth Century Constitution, Ch.5.

<sup>7</sup>For a list of the values of Church dignities in the year 1762 see ibid., pp.348-50. Canterbury was the most valuable 'See in England, worth £7000 p.a., but in addition to this there was also the deanery, worth £900 p.a., and nine prebends in the gift of the Archbishop.

<sup>8</sup>Quoted by Norman Sykes, Edmund Gibson, Bishop Of London 1669-1748 (London 1926), p.408.

<sup>9</sup>Norman Sykes, Church And State In England In The Eighteenth Century (Cambridge 1934), pp.34-5, quoted by Williams, The Eighteenth Century Constitution, p.327.

<sup>10</sup>ibid.

<sup>11</sup>Quoted by Sykes, Edmund Gibson, Bishop Of London, p.408.

<sup>12</sup>W.E.H. Lecky, History Of England (1925), vol. I, quoted by Williams, The Eighteenth Century Constitution, p.328.

<sup>13</sup> Thomas Bentham, exiled during the reign of Mary, became Bishop of Coventry and Lichfield in 1559. For details of Bentham's ancestry see Correspondence, vol. I, introduction, pp. xxxviii-ixl, and appendix, Notes on the History of the Bentham Family, by J.H. Burns.

<sup>14</sup> See Ogden, Bentham's Theory Of Fictions, introduction; and Mack, Jeremy Bentham, An Odyssey Of Ideas, Part I, Ch.I. For Bentham's reaction to ghosts, hell and his sensibility to terrors of a supernatural nature in general see Works, vol X, pp. 11-14, 18-21, 39. It should be remembered, however, that these were the reflections of an old man who was still tormented by nightmares and thoughts of ghosts. See Works, vol. X, pp. 18, 563, 587.

<sup>15</sup> References to this effect are to be found in several places in the Works, but these memoirs are largely based on conversations between Bowring and Bentham during the last ten years of his life. The earliest reference I can find to Bentham on ghosts is in a letter written when he was forty-three years old (1791), and he does not make the connection between this fear of ghosts and the nature of religious beliefs here. JB to Caroline Fox (c. 30 April 1791), Correspondence, vol. IV, ed. A. Taylor Milne (London 1981), Letter 765.

<sup>16</sup> Burton, Benthamiana, Introductory Notice, p. xiii. The anonymous "W.W.", author of the General Preface to the Works, vol. I, quotes Bentham in similar vein, p. vii.

<sup>17</sup> Works, vol. X, p. 12.

<sup>18</sup> Mack, Jeremy Bentham, An Odyssey Of Ideas, p. 13. It should also be noted that Bentham appears to have conceived of the principle of utility as the foundation of a philosophy of society (as an "ism") sometime around 1778-80 when he was employed on An Introduction To The Principles Of Morals And Legislation. It is probable that he coined the term 'utilitarian'. Its first known use is in a letter to George Wilson (24 August 1781) where it is used to describe 'honest Joseph Townshend' (1739-1816). Correspondence, vol. III, ed. I.R. Christie (London 1971), Letter 403. The term 'utilitarian' is also to be found in an unpublished manuscript of around this time. U.C. Box 169/79 (c. 1780-82), 'Dream'.

<sup>19</sup> Mack, *ibid.*, p. 35.

<sup>20</sup> Everett, Jeremy Bentham, p. 15, and The Education Of Jeremy Bentham, p. 24. For a complete list see Works, vol. X, p. 36n.

<sup>21</sup> *ibid.*, p. 36.

<sup>22</sup> Bentham subscribed to the Statutes of the University of Oxford on 28 June 1760 and took up residence at Queens College in October 1760. Everett, The Education Of Jeremy Bentham, p. 23.

<sup>23</sup>ibid., p.24.

<sup>24</sup>Works, vol. X, p.37.

<sup>25</sup>ibid.

<sup>26</sup>ibid.

<sup>27</sup>JB to Jeremiah Bentham (4 March 1761), Correspondence, vol. I, Letter 20.

<sup>28</sup>See Works, vol. X, p.93.

<sup>29</sup>Mack, Jeremy Bentham, An Odyssey Of Ideas, p.49.

<sup>30</sup>Burton, Benthamiana, Introductory Notice, p.xiii.

<sup>31</sup>Works, vol. X, p.39.

<sup>32</sup>ibid., p.55.

<sup>33</sup>These mss. are in U.C. Box 5/1-32 and Box 96/263-341. The dating is uncertain since Bentham rarely dated his papers before 1800, but on at least one of the sheets (5/28) there appears the date '5th August 1773'. The occasion of the "Oaths Controversy" and what we know of his writing on jurisprudence of this time (U.C. Box 97/1-116, c. 1773) would seem to support this date. The mss. on subscription in Box 96 are to be found amidst other writings on such topics as legislation (promulgation, appeal, prelude, evidence, certainty, indirect), gin-drinking, penal laws for religious belief, and jottings on the 'Sabbath'.

<sup>34</sup>U.C. Box 96/138. The list of chapter or topic headings reads:

- 1st Subscriptions -
- 2nd On the Catechism
- 3dly Custom-House Oaths
- 4 False findings of Juries
- 5 Pleasantrys (?) of Judges
- 6 Coroners Inquests
- 7 Oaths of Observance to University Statutes
- 8 Forced unanimity of Juries.

<sup>35</sup>Joseph Addison, The Spectator, vol. 5, no.459, Saturday 16 August, 1712.

<sup>36</sup>U.C. Box 97/48 (c. 1773), quoted by Mack, Jeremy Bentham, An Odyssey Of Ideas, p.300.

<sup>37</sup>U.C. Box 96/266.

<sup>38</sup>A Comment On The Commentaries And A Fragment On Government, ed. J.H. Burns and H.L.A. Hart (London 1977), introduction, p.xxxix.



<sup>39</sup> ibid., p.80.

<sup>40</sup> A View Of The Hard Labour Bill (1778), Works, Vol. IV, pp.23-24.

<sup>41</sup> Correspondence, vol. II, ed. Timothy L.S. Sprigge (London 1968), Letter 252.

<sup>42</sup> U.C. Box 73/90-100 and Box 74a/1-25; An Introduction To The Principles Of Morals And Legislation, ed. J.H. Burns and H.L.A. Hart (London 1970), Ch.II, Of Principles Adverse to Utility.

<sup>43</sup> U.C. Box 87/17-41 (c. 1780).

<sup>44</sup> U.C. Box 72/187-205 (c. 1785) and Box 74a/26-34 (c. 1785, written in French).

<sup>45</sup> Works, vol. X, pp.90-1.

<sup>46</sup> ibid., p.124. This was the same Dunmore who talked with Bentham 'of the despotism which had been exhibited by the expulsion of the six Methodists at Oxford'. Bentham referred to him as 'a sort of liberal'. ibid.

<sup>47</sup> For the dates of these projects see Long, The Manuscripts Of Jeremy Bentham. Bentham occasionally touched on religious matters in these areas as when he discussed the arrangements for Sunday service in the Panopticon prisons, or when he jotted down some thoughts on Church Establishments (U.C. Box 108/108, c. 1790-8) with reference to Edmund Burke's Reflections On The Revolution In France (1790), but these were of only incidental interest to him.

<sup>48</sup> George Wilson and James Trail to JB (26 Feb. 1787), Correspondence, vol. III, Letter 587; Hume, Bentham And Bureaucracy, p.112. There is a single sheet of manuscript 'On Toleration' dated May 1789 (U.C. Box 169/152) which proves that Bentham had some interest in the plight of the Dissenters, but this is not part of Hume's evidence.

<sup>49</sup> Steintrager has not dated U.C. Box 5/33-62: 5/43-58 are mostly headed 'Intolerance' and 'Intolerance Church'. U.C. Box 5/63-316 are dated 1812-13 and 5/33-62 probably belong with these.

<sup>50</sup> U.C. Box 130/102 (1809). Similar thoughts are expressed in Box 126/19-23, 48-50, which date from c. 1790. See Hume, Bentham And Bureaucracy, pp.184-5.

51 "Ben David", A Reply To Two Deistical Works, Entitled "The New Trial Of The Witnesses", Ec. And Gamaliel Smith's "Not Paul, But Jesus" (London 1824); Rev. T.S. Hughes, A Defense Of The Apostle St. Paul Against The Accusations Of Gamaliel Smith (Cambridge 1824) and On The Miracles Of St. Paul, Being Part II Of A Defense Of That Apostle (Cambridge 1824); D.B. Wells, St. Paul Vindicated ... A Reply To A Late Publication By Gamaliel Smith (Cambridge 1824).

52 U.C. Box 5/94-316, 'Church Part II Doctrines' date from 1812-13.

53 Works, vol. V.

54 In a letter to the Unitarian M.P. William Smith (Feb. 1818) Bentham mentions the cases of William Hone and a man called Wright. The first was a notorious case which dragged on for many months in 1817 until Hone was eventually acquitted after three trials. Bentham's letter is reproduced in Church-Of-Englandism And Its Catechism Examined (London 1818), 'Preface On Publication'.

55 U.C. Box 28/1-48. In Box 21/75 (20 Aug. 1810) there is a list of 'Propositions on parish priests, how to improve their education and make them useful'.

56 U.C. Box 6/27.

57 U.C. Box 6/28-83 and Box 5/94-316. The 'Church' manuscripts are without a doubt an early abortive start by Bentham on his great work on Established Religion. However, while most of the material is to be found in the finished work, Church-Of-Englandism, there are some important differences. For example, in the former writings Bentham intended to include sections on the history of Christianity, on the utility of religion, on doubts about the divine mission of St. Paul, and on the antipathy to homosexuality. See the outline U.C. Box 6/31, 35, 71; 6/32, 33, 38, 41; 6/33, 38, 41; 6/62, 63. These were the themes Bentham later developed in the Analysis and Not Paul, But Jesus and the related unpublished mss. of these works.

58 In 1813 Bentham had made a start on an outline for a new curriculum, strong in natural science and void of religion, in an education handbook, which he eventually published as Chrestomathia: Being A Collection Of Papers, Explanatory Of The Design Of An Institution, Proposed To Be Set On Foot, Under The Name Of The Chrestomathic Day School, Or Chrestomathic School, For The Extension Of The New System Of Institution To The Higher Branches Of Learning, For The Use Of The Middling And Higher Ranks Of Life (printed 1815, published London 1816). Bentham added an appendix to this work in 1817.

<sup>59</sup>U.C. Box 7/1-160 is material intended for appendices for Church-Of-Englandism but not included in the finished work for want of space. Much of its matter is scattered about the body of the published text.

<sup>60</sup>Hume, Bentham And Bureaucracy, p.186.

<sup>61</sup>JB to John Koe (7 Jan. 1818) and JB to John Koe (14 Jan. 1818), Koe Mss., from transcriptions at the Bentham Project, University College, London. This contradicts the claim of Alexander Bain that Romilly 'agreed with every tittle' of Church-Of-Englandism. James Mill. A Biography (London 1882), p.452.

<sup>62</sup>Romilly to JB (Jan. 1793), Works, vol. X, p.288.

<sup>63</sup>Romilly to JB (1 Nov. 1802), *ibid.*, pp.399-400.

<sup>64</sup>Romilly to JB (31 Jan. 1810), *ibid.*, p.450.

<sup>65</sup>Memoirs Of John Quincy Adams, ed. Charles Frances Adams (Philadelphia 1874-77: 12 vols. New York 1970), vol. III, entry for 20 May 1817, p.536.

<sup>66</sup>See Memoirs Of The Life Of Sir Samuel Romilly (2 vols. 3rd edn. London 1841), vol. II, pp.489-90. Romilly recorded Bentham's part in the Westminster elections of 1817 in his diary thus: 'Among the strange incidents which occurred during the election, was the decided part which my excellent friend, Jeremy Bentham, took against me. He did not vote, indeed; but he wrote a handbill, avowed and signed by him, in which he represented me to be a most unfit Member for Westminster, as being a lawyer, a Whig, and a friend only to moderate reform'. *ibid.*, p.512. Bentham's correspondence of this time reveals his increasing frustrations with Romilly's cautious approach to reform, but he would have been hardly less perturbed by his reluctance to assist him in the completion of Church-Of-Englandism.

<sup>67</sup>See JB to Place (14 Jan. 1818) and JB to Place (6 Feb. 1818), mss. insert in the British Library copy of Church-Of-Englandism, shelf mark 4106 bb 6.

<sup>68</sup>Steintrager, Bentham (London 1977), p.90.

<sup>69</sup>JB to Place (6 Feb. 1818).

<sup>70</sup>See Church-Of-Englandism, 'Preface On Publication', pp.xiv-xliii.

<sup>71</sup>JB to Place (6 Feb. 1818).

<sup>72</sup>British Library Add. Mss. 29,807/2, cited by Steintrager, 'Report On The Problems Of Editing Bentham's Writings On Religion', p.9.

<sup>73</sup>BL Add. Mss. 29,806-809, *ibid.* Grote met Bentham through James Mill, to whom he had been introduced by David Ricardo in 1818. Much influenced by Mill, Grote quickly became a man of radical political beliefs and of uncertain religious persuasion. Grote's biographer describes him as 'an unbeliever in religion' but this is based on circumstantial evidence and not on a personal profession of beliefs. For his connections with Bentham and Mill, both 'sceptical, indeed anti-religious', and his involvement in and subsequent republication of the *Analysis* (1866) see M.L. Clarke, George Grote, A Biography (London 1962), pp.21, 182.

<sup>74</sup>Stephen, The English Utilitarians (3 vols. 1900: London 1950), vol. I, p.316.

<sup>75</sup>Clarke, George Grote, pp.30-1.

<sup>76</sup>This volume might come out first: reserving for one or two ulterior ones, the proofs from the text of the Jug...'. JB to Grote (9 Dec. 1821), BL Add. Mss. 29,806/1, from a transcription at the Bentham Project. 'Jug' or 'Juggernaut' is the euphemism by which Bentham and his brother Samuel usually referred to the Established Church. Occasionally, however as in this instance, it was used to refer to religion or Christianity in general.

Bentham's general title for all the *Analysis* mss. was 'The Usefulness of Religion in the Present Life Examined' and the projected work was apparently to be divided into three parts. The title of the first book was to be 'The Usefulness of Natural Religion in the Present Life Examined', and corresponds roughly to the work edited by Grote, and the remaining volumes or parts were to treat of revealed religion and in particular the doctrines of Christianity. BL Add. Mss. 29,807/157-8. See Appendix B to this thesis.

<sup>77</sup>BL Add. Mss. 29,807/12-13, quoted by Steintrager, 'Report On The Problems Of Editing Bentham's Writings On Religion', p.8.

<sup>78</sup>"Ben David" (i.e., Rev. John Jones) knew the author of the *Analysis* to be 'a celebrated writer on legislation' and even referred to Bentham by name. A Reply To Two Deistical Works, pp.1, 173n.

<sup>79</sup>Clarke, George Grote, p.32.

<sup>80</sup>Bain, James Mill, p.151. This claim is disproved by a letter from JB to Koe (29 Oct. 1817): 'Alas for the weakness of my eyes which after tea (?) will not allow of my scribbling to any better purpose. They are worse than before the scarification: and...I am obliged to lose a large portion of my time to favour them. St. Paul with the Acts and Epistles in

that small type, have done them so much mischief I now have the great bible before me, but alas! that will not serve for confrontation.' Koe Mss., from a transcription at the Bentham Project.

<sup>81</sup>This copy is now in the Library at University College. It is inscribed 'From Mr. Bentham Sep 29, 1823, FP'.

<sup>82</sup>See the note attached to Place's copy of Not Paul, But Jesus at University College Library.

<sup>83</sup>Memorandum Book for 25 Jan. 1823, U.C. Box 173/92, cited by Steintrager, 'Report On The Problems Of Editing Bentham's Writings On Religion', p.5.

<sup>84</sup>Note attached to Place's copy of Not Paul, But Jesus at University College Library.

<sup>85</sup>U.C. Box 139/445-531 (1817, 1819, 1823).

<sup>86</sup>U.C. Box 139/332-444 (1816, 1817, 1818, 1823).

<sup>87</sup>U.C. Box 161a/141-214 (1816, 1817, 1818).

<sup>88</sup>U.C. Box 74a/35-222 (1814, 1816).

<sup>89</sup>U.C. Box 161b/215-523 (1816-18).

<sup>90</sup>U.C. Box 139/212-331 (1813, 1815, 1817, 1821).

<sup>91</sup>In this analysis of the mss. of Not Paul, But Jesus I follow Steintrager's 'Report On The Problems Of Editing Bentham's Writings On Religion' and the dates in Milne, Catalogue Of The Manuscripts Of Jeremy Bentham.

<sup>92</sup>The Autobiography Of Francis Place (1771-1854), ed. with an introduction and notes by Mary Thale (Cambridge 1972), p.8.

<sup>93</sup>ibid., introduction, p.xxiii, and pp.45-6, 121, 197-8n of the text.

<sup>94</sup>That Place's own writing is uniformly dull and humourless is testified on all hands. See the article on Place in the DNB; Thale's introduction to The Autobiography Of Francis Place; and Graham Wallas, The Life Of Francis Place 1771-1854 (1898: 4th edn. London 1951), p.89.

<sup>95</sup>Martha Colls to Dumont (29 Nov. 1823), Dumont Mss. 33 III fo. 382, Bibliotheque Publique Universitaire, Geneva, from a transcription at the Bentham Project.

<sup>96</sup> Bentham had a 'dream' of himself as 'a founder of a sect, of course a personage of great sanctity and importance. It was called the sect of the utilitarians'. U.C. Box 169/79 (c. 1780), 'Dream'.

<sup>97</sup> U.C. Box 161a/14-19 (1817).

<sup>98</sup> Colls, Utilitarianism Unmasked, p.23.

<sup>99</sup> Richard W. Davis, Dissent In Politics 1780-1830. The Political Life Of William Smith, M.P. (London 1971), pp.202-3.

<sup>100</sup> Bowring's autobiography is particularly disappointing, revealing next to nothing about his relations with Bentham or their differences over religious issues. The following is his only comment about the vast quantity of Bentham's unpublished materials: 'Many of his writings I have not deemed it safe to give the world, even after his death, so bold and adventurous were some of his speculations, but they remain in the archives of the British Museum, and at some future time may be dragged into the light of day.' Autobiographical Recollections, p.339.

<sup>101</sup> Stephen, The English Utilitarians, vol. I, p.225.

<sup>102</sup> John Bowring, Matins And Vespers: With Hymns And Occasional Devotional Pieces (London 1825); Bentham, Mother Church Relieved By Bleeding Or Vices And Remedies Extracted From Bentham's Church Of, Etc., Examined, Being Matter Applying To Existing Circumstances And Consisting Of A Summary Recapitulation Of The Vices Therein Proved To Have Taken Place In [The] Existing System And Of The Particulars Of The Remedial System Therein Proposed (1823: 2nd edn. London 1825) This is a reprint of sections 9 and 10 of Appendix IV of Church-Of-Englandism.

In a letter to Place (29 Jan. 1823) headed 'Mother Church relieved by bleeding', Bentham asked his advice about reprinting 'the political part of Church-Of-Englandism'. His purpose he says is that it might be useful to those interested in Joseph Hume's motions in parliament regarding Irish tithes. Church-Of-Englandism, British Library shelf mark 4106 bb 6.

<sup>103</sup> See the article on Bowring in the DNB and H. Hale Bellot, University College London 1826-1926 (London 1929), p.57. It is extraordinary that the DNB article on Bowring does not mention Bentham, and only lists the Works as one among Bowring's many publications.

<sup>104</sup> U.C. Box 138/161-69 (1830, 1825).

<sup>105</sup> Works, vol. X, p.69.

106 These sheets are dated 16, 22, 23, and 27 June 1831. U.C. Box 8/149, 153, 157, 158, 160, 162-3, 168-9, 173.

107 U.C. Box 8/153.

108 The Book Of Church Reform, Containing The Most Essential Part Of Mr. Bentham's Church Of Englandism Examined, Edited By One Of His Disciples (London 1831).

## CHAPTER III

### RELIGION AND POLITICS:

#### THE INTELLECTUAL CONTEXT OF THE RELIGIOUS WRITINGS

To a significant extent Bentham saw his religious publications as part of a radical campaign in the second decade of the nineteenth century to place the political structures of England upon a more democratic footing. He opposed the Established Church because he believed that it was an agency of misrule and served to prevent much needed reforms. Efforts for the diffusion of education, the equalisation of wealth, the mitigation of disease, the humanisation of the penal law, and the protection of the helpless, received little encouragement from the hands of 'holy Mother Church'. Comprehensive schemes of reform, it was claimed, were not only a drain on energies that were better spent on devotional exercises or missions to convert heretics, but even seemed designed to supersede the providence of God himself. To Bentham this was all so much empty rhetoric. The Church stood in the way of progress and, like England's legal and political structures, needed immediate and comprehensive reform.

Bentham's religious writings, however, cannot be fully explained by concentrating solely on their political function. On a different plane they must be seen as part of his overall strategy to systematically apply the standard of utility to all the principal institutions of society. Certainly he wished to extirpate religion from the consciousness of men, but according to the tenets of his own philosophy this could only be done by strictly utilitarian means. Religion contributed to fear and so caused pain and suffering. As practised by the Anglican



Church it was unnecessarily puritanical with regard to sexual matters, kept men and women from harmless pleasures, and encouraged the substitution of blind faith for rational demonstration. In Swear Not At All and Church-Of-Englandism Bentham sought to expose the fallacies and fictions by which organised religion perpetuated these evils; in Not Paul, But Jesus he focused on the religious opposition to sensual pleasures, and closely scrutinised the credibility of the revelation and miracles of St. Paul upon which Church doctrines were largely founded; and in the Analysis he examined the theological basis of the fear induced by the notion of a future life and sought to expose the pernicious dependence upon this doctrine of contemporary Christianity. The religious works, then, do not merely represent a feature of a general political attack on the establishment, but were intended primarily as a thorough examination of the utility, or rather disutility, of religion in all its various aspects. The intellectual context in which they were conceived was of a broader scope than can be defined by Bentham's specific concerns with political issues. Accordingly in the following two chapters I examine the evolution of his views on religion in connection with other areas of his thought. In Chapter Four I pay close attention to the relationship between Bentham's thoughts on religion and the theoretical principles of his social science enunciated in a variety of early unpublished manuscripts and in his later methodological writings. It will be seen that questions of methodology are intimately related both to his notion of utility and to his understanding of how this test is to be applied to matters of a religious or ecclesiastical nature. In Chapter Five I discuss Bentham's critique of religion in relation to his important and substantial early work on ethics and legislation, my aim being to show

how important his anti-religious strictures were to the development of his vision of the secular Utilitarian society. However, as a preliminary to these two chapters, which represent the core of my interpretive account of the character of Bentham's views on religion and their place within his system, I intend to consider briefly the conventional interpretations of the development of these views which mistakenly limit their framework of reference to his thoughts on politics and to the reform of English political life specifically.

The standard or orthodox view of the development of Bentham's critique of religion is that he came to adopt an extreme position on religious matters as a consequence of his frustrations with reform and his shift to a more radical democratic position in politics. He gave little thought to the subject, so the argument goes, until the battle over school reform - the 'Lancasterian controversy' - occurred in the years 1811-12. Accordingly Bentham's religious writings were largely the product of spleen vented against the Church of England because of its continued opposition to his plans for reform.<sup>1</sup> As Leslie Stephen put it, Bentham 'did not believe in any theology and was in the main indifferent to the whole question till it encountered him in political matters.'<sup>2</sup> It was the Church's attempt to prevent the establishment of secular schools that was the final straw and finally enraged him to attack the Church and religion generally.

The chronology of Bentham's writings and related political events of the time, it must be said, fits this interpretation well. It was in 1809 that Bentham for the most part completed his Plan Of Parliamentary Reform (sometimes referred to as the Parliamentary Reform Catechism) in which he set out the basic tenets of his democratic politics - annual parliaments;

universal and secret suffrage.<sup>3</sup> Just as this radical stance can be explained in terms of Bentham's frustration with the establishment over its failure to adopt his various and reasonable suggestions for reform in economic, political and social life, so the religious radicalism of his later years can be explained by his frustration with the role of official religion in thwarting his endeavours. The purpose of his attack on the Anglican Church is the same as that of his campaign against the political establishment. In the Plan Of Parliamentary Reform he gave, he says, a 'sketch' of the 'temporal' nature of the constitution; in Church-Of-Englandism his purpose is to give a 'portrait ... of a larger size' of the 'spiritual' nature of that same constitution.<sup>4</sup> As Bentham wrote to his secretary, John Koe, referring to the publication of Church-Of-Englandism, 'Church Cat. follows up the blow from Plan cat: it goes to the destroying of the whole mass of that matter of corruption which while the Tories feed upon in possession, the Whigs feed upon, and will continue feeding upon while they are anything, in expectancy.'<sup>5</sup> Later in life the old man reflected upon the naivety of his middle years: "I was ... a great reformist; but never suspected that the people in power were against reform. I supposed they only wanted to know what was good in order to embrace it."<sup>6</sup> Most difficult of all for Bentham to comprehend was the long frustration and final rejection of his scheme for prison reform. It is hard to say precisely how much of an effect this may have had on his ambitions or to what degree it soured his attitude to the establishment, but that it was an issue that touched him profoundly there can be no doubt, as his voluminous correspondence on the subject clearly shows. The role played by one notable Bishop in the failure of the Panopticon venture was a conspicuous one, and not one that Bentham was

likely to forget or forgive. I spare the reader the details of the conception and history of Panopticon,<sup>7</sup> but draw attention to the extraordinary difficulty he had in finding a site for his architectural innovation by which to 'grind knaves honest'. After failing to secure Hanging Wood and Plumstead Heath (both near Woolwich), and Barnes Common near Battersea Rise, the owner of which, Lord Spencer, had proved singularly unaccommodating, the Treasury turned Bentham's attention to Tothill Fields, just south of Westminster Abbey and adjacent to Westminster School, Bentham's alma mater. This land was owned by Dean Horsley, the Bishop of Rochester. It quickly became clear that the Bishop disliked the prospect of criminal neighbours as much as did Lord Spencer. He was far more interested in cricket than in Panopticon and moral reformation; the excuse he gave was that part of Tothill Fields was a cricket pitch used by the school's scholars in the summer.<sup>8</sup> Wilberforce, who had collaborated with Bentham, acting as an intermediary between the latter and Dundas and Pitt while a site was being sought for Panopticon, was very much vexed by the callous attitude of the Dean. To Bentham he wrote a few choice thoughts concerning the hypocrisy exhibited on this occasion by the official professors of the established religion:

I must say, few things have more impressed my mind with a sense of various bad passions and mischievous weaknesses which infest the human heart, than several circumstances which have happened in relation to your undertaking. A little, ever so little Religion, would have prevented it all, and long ago have put the public in possession of the practical benefits of your plan.

\* \* \* \* \*

I am very much vexed indeed at the Conduct, tho' less surprized at the Demeanor of the Bp. I really thought it possible that he might have been susceptible of some feeling for the public Good; when not preoccupied by private Interest: ...<sup>9</sup>

As a consequence of the prevarications of the establishment, both

religious and secular, over Panopticon, Wilberforce believed that Bentham made his first move toward religious heresy, and this in essentials is the argument of the orthodox interpretation.<sup>10</sup>

The controversy over school reform was the final straw. According to C.K. Ogden, it was 'after the opposition of the Anglicans to the educational reforms of the Lancaster group (1811) and his own Chrestomathic system (1812-17) that [Bentham] entered the lists against the clerics.' And Atkinson writes that Bentham 'in no way concerned himself with questions of dogma, until in later years he was aroused to active hostility by the attitude of the clergy on educational issues; ...'<sup>11</sup> Henceforth political and religious radicalism walked hand in hand, their joint aim being the complete overhaul of English political and social life.

This version of events in recent years has been questioned by Mary Mack and in more detail, but along similar lines, by James Steintrager.<sup>12</sup> Their argument is that Bentham did not undergo a transitional period in religious matters, a transition from indifference to radicalism, but that he was always anti-religious, or at least was so from a very early age. Mack, drawing imaginatively, but perhaps with too much conviction, on such accounts as we have of Bentham's early experiences with religion, and his recollections in old age of his boyhood fears regarding devils and other superstitions, argues that the origin of his ethics 'lay not so much in Helvétius and Beccaria as in the religious training he suffered as a boy ... His child's revulsion was at the bottom of his Utilitarianism, hedonism, and contempt for the principle of asceticism and the religious establishment.' The young Bentham 'was permanently scarred by a terrifying, authoritarian, and hypocritical religious education.'<sup>13</sup>

That the early experiences with religion were a significant (certainly memorable) feature of Bentham's upbringing I do not wish to deny.

Terrified in early life by ghosts and by the threat of eternal damnation, and reduced to scepticism at university over Church dogma and the motives of the clergy holding sinecure posts, he was brought face to face with his doubts when required to subscribe to the Thirty-nine Articles. Even though the oath violated his conscience he was compelled to swear - an apparently traumatic experience for a young and thoughtful boy at England's premier place of learning and school of divinity. It was this experience which first led him to drift away from the Church.

To these early experiences of the young Bentham Steintrager adds evidence of a more convincing nature in the shape of the early unpublished manuscripts on religion and Bentham's preface to his translation of Voltaire's Le Taureau Blanc, published as The White Bull in 1774.<sup>14</sup> The latter treats principally of legal and political matters and does so in typically Voltairean vein (Bentham may have consciously been imitating the Frenchman). In the process he occasionally hints that his satire can equally be applied to official religion, and a sceptical attitude is adopted vis-a-vis historical Christianity. His remarks, however, are never of a specific nature. As Charles Everett so vividly put it Le Taureau Blanc 'gave the young reformer a chance to take a shot from ambush at the reactionary forces in church and state ...'<sup>15</sup>

Indications that Bentham was thinking about religious matters before the publication of Voltaire's work are not hard to come by in the unpublished manuscripts. In a jotting of 1773 he proposes the establishment of academies of research and scholarship for every possible branch of human knowledge, including 'English Language', 'Moral Sciences',

'Political Ethics', and possibly even for religion, but adds almost as an afterthought 'for the present exclude Religion because [it is] not safe to meddle with: and in future, because there will be found to be nothing in it to meddle with.'<sup>16</sup> Even so a few years later in an 'Encyclopaedical Sketch' he set out three 'master sciences' - Jurisprudence, Ethics (private and social), and Divinity.<sup>17</sup>

The occasion of Bentham's first confrontation with organised religion, as we have seen, was the controversy over oaths which began at Cambridge in 1768 and spread over the next six years to the press and the Houses of Parliament. His early manuscripts examining the problem of the Church's demand for subscription to articles of faith, together with occasional reflections on the authority of the Church and the impact on law and morals of swearing oaths, belong to the year 1773.<sup>18</sup> It is clear from these manuscripts that his views on subscription had not substantially altered by the time he wrote Swear Not At All sometime before the end of 1811. Moreover, in the year or so after his initial brush with official religion, Bentham returned to consider, albeit briefly, the obstacles posed to utilitarian legislation by religion.<sup>19</sup> Around the same time also Christianity is charged by Bentham with being the enemy of human happiness, and, hence, of utilitarian morality, in a collection of manuscripts on 'sexual nonconformity'.<sup>20</sup> All these themes were subsequently developed in Church-Of-Englandism and Not Paul, But Jesus, and thus, Steintrager concludes, it is '... evident that Bentham's opinion in 1773-5 was the same as that which supposedly developed after the school reform battle.'<sup>21</sup>

Why then did Bentham not publish his opinions on religion until forty or more years later? According to this revised explanation of the

development of his views on religion he refused to publish, or rather deemed it expedient not to publish, anything systematic or concrete on religion for reasons of political strategy. He did not want to offend a powerful section of the establishment needlessly. While he still thought that reason would overcome prejudice Bentham refrained from publicly attacking the Church. Everett suggests that it would have been 'dangerous' for him to avow such views, and Mary Mack that 'As long as the palest shadow of possibility lingered that government might apply his reforms, Bentham concentrated rather on practical reforms than polemics. He was anxious to antagonize as few legislators as possible.'<sup>22</sup> Though the polemical aspects of A Comment On The Commentaries and A Fragment On Government cannot be ignored in essence Everett and Mack are correct. Indeed, Bentham himself showed that he was aware of the dangers of publishing his anti-religious strictures on more than a few occasions in the early part of his career. As we saw in the preceeding chapter he refrained from publishing anything on subscriptions in 1773, in part at least, because he thought his material 'a little out of season'. In some manuscripts of c. 1774 he points to the disgust incurred by Helvétius and Voltaire for publishing unpopular views.<sup>25</sup> Even more pointedly in 1776, while discussing the religious sanction in relation to legislation, he reflects thus: 'I ... hear obloquy with her hundred tongues ready to (open against me) break for[th] upon me. I see the arm of ... vengeance calling itself the arm of Justice uplifted to beat me down.'<sup>24</sup> Finally, in a draft letter to D'Alembert (Spring 1778) he ponders the reaction which his analysis of 'the delicate subject of the Sanction which I call Religious' might receive.<sup>25</sup>



Bentham, then, was clearly aware of the adverse effects his anti-religious views might have and he certainly did not want to alienate those who might otherwise be sympathetic to his proposals for secular reform. His early reticence was also, no doubt, the fear of offending public opinion, and his caution was surely justified. For Bentham could expect little public support in any battle against religion. What he saw as the paralyzing effect of religion on the nation's rulers, and the manner in which it obstructed salutary reform, was scarcely appreciated by the educated elite let alone the ordinary public. Moreover, the religious reaction of the second half of the eighteenth century had taken root both within and without the Church establishment. The middle classes, rapidly rising into power and influence, were bringing their own narrow view of religion along with them. Dissent had become the ally of Liberalism, but Dissenters were frequently no less bigoted than Churchmen. In such circumstances it was diplomatic to adopt the reticence of the Whigs without their hypocrisy - neither to attack nor to affect religion, but to ignore it. Bentham adopted this attitude for reasons of strategy, for it cannot be denied that he was fully appraised of the Church's opposition to reform from a very early date. In a manuscript of 1773, referring to Locke's description of the divines of his day as the 'hatchers of all mischief', he comments that now having lost the power to hatch mischief they 'content themselves with opposing good.'<sup>26</sup>

Though he eventually brought himself to publish Bentham's caution never left him. The publication of unorthodox religious views remained politically and personally dangerous. As he wrote to Grote on the occasion of the impending publication of the Analysis in 1821, it was his intention to maximize converts, but also to avoid 'suffrance at the hands of the political and popular or moral sanction and suppression of the work at

the hands of the political.<sup>27</sup> And again ten years later he wrote to Place concerning his conversations with one Prentice '... I took care not to let him know how my opinions stood: the fat would have been all in the fire ...'<sup>28</sup> On another occasion when busy on material for Not Paul, But Jesus, Bentham explicitly stated that it would be better if certain material were not published in his life-time since it would destroy any good he might otherwise be able to achieve.<sup>29</sup> And there is no doubt that part of the material for this work was deliberately suppressed by Bentham out of a desire not to alienate fellow reformers who professed religious beliefs (of whom Bowring may have been one).<sup>30</sup> For Bentham was sensitive to the religious sensibilities of his fellow radicals. While engaged with Wilberforce on Panopticon he avoided any discussions of a religion nature. On one occasion he writes to his brother that Wilberforce 'is laying plots for converting me - I was hard put to it this morning to parry him.' And a few days later on the same theme he writes 'W. I shall fence off with about the Jug as well as I can.'<sup>31</sup> Later on supporters such as William Allen, the Quaker philanthropist and abettor of Bentham in the cause of penal and educational reform, had to receive similar consideration.<sup>32</sup>

It is clear, then, that Bentham wished, as he says, to achieve two results: to maximize the number of converts to reform and to minimize the possibility of prosecution and suppression. He hoped that sooner or later the greatest happiness principle might win all men away from religion, but held his fire until convinced that no significant reforms could be achieved until the power and influence of the Church was itself reduced. Only then could caution, at least to some degree, be abandoned.

Bentham, as Steintrager so nicely put it, had been 'caught between thinking that no real reforms would be possible until at least the Established Church was discredited, and fearing that any attack on the Church of England would jeopardize his secular reforms.'<sup>33</sup> Experience eventually convinced him that the hope that religion might be invoked as an ally, or at least remain neutral, was entirely illusory. Even so the early manuscripts clearly anticipate Bentham's later published work on religion. For Steintrager (and Mack would agree) this meant that 'opposition to religion was built into the very fibre of his utilitarian system almost from the very beginning'; it was 'intrinsic to utilitarianism as Bentham understood it ...'<sup>34</sup>

This interpretation of the genesis and development of Bentham's views on religion is undoubtedly a convincing one. There is no denying that there are strong indicators of the later views in the early manuscripts such that it can be said that Bentham was a radical vis-a-vis religious matters even at that time. Very early in his life he learned that the privileged classes have a vested interest in maintaining the existing religion. In seeing religion as an instrument for controlling the masses, and in fathoming the depths of the reluctance of the establishment to consider innovations in political life, Bentham realized long before Weber that these were general characteristics of the relationship between established religion and modern political life.<sup>35</sup> Moreover, the hypocrisy of the privileged classes when considering religious affairs, another characteristic later noted by Weber, Bentham also found particularly irritating. His experience with oaths at Oxford and his later study of the matter quickly brought home to him the meaning of the charade. Oaths and the like are enacted because the State requires them to be performed in the interest of a successful career; the hypocrisy is

masked by outward reverence and the fulfilment of formalities which themselves hardly constitute much of a sacrifice. That Bentham indicated such attitudes in the early manuscripts is convincing evidence in support of any argument that his religious opinions were settled at a very early stage, over forty years before he made them public. But perhaps we can say more.

In the first place, I want to argue not only that Bentham's views on religion were indicated substantially many years before publication of the relevant works, but that they were developed and worked up toward completion in an intimate relationship with his early thoughts on logic and language. The theoretical principles that he brought to the study of religious questions, as to all other areas of his thought, he had been exploring independently and systematically from an early age, and they can be said to have reached a more or less final form during the years when he devoted so much of his time and energy to the publication of his religious views. The work on ontology, logic, language and grammar in which the theoretical principles of Bentham's social science were comprehensively enunciated and promulgated, dates substantially from 1811-21 (with a few later additions dated variously up to 1831), and this was the period when he presented his views on religion to the world in a systematic form. During this decade the connection between the two bodies of work becomes one of a symbiotic nature, but there is sufficient evidence to indicate that Bentham was already conscious of the relationship in the 1770's.

The intimacy of this relationship has largely escaped Bentham scholars in the past. L.J. Hume is one student of Bentham, however, who has recognised that some connection exists between the two. He views the writings of the period 1802-22 ('the period of his hermitage') as parts of

a single intellectual enterprise, the purpose of which was 'a campaign against "misrule" in all its forms'.<sup>36</sup> He points to an 'inner logic' in Bentham's progression from one topic to another, and suggests that close connections exist between the writings on parliamentary reform ('in some respects an outgrowth of the legal studies'), on the one hand, and the studies on religion, education, psychology, language and other subjects, on the other. These latter, says Hume, 'usually had more than one purpose, but one of these was in each case, to reinforce his attack on influence or to add some refinement to his earlier argument about it'.<sup>37</sup>

Hume has much truth on his side, and the notion that the works of the later period were intimately related is central to my own argument. That the concept of 'influence' came to play a central role in Bentham's political barbs during this later period particularly from 1809 onwards, is also undeniable. However, there would appear to be little point in trying to analyse Bentham's discussion of revelation and miracles in Not Paul, But Jesus or the notion of futurity in the Analysis, for example, simply in terms of instruments of control in the hands of the clergy. To do so would not only amount to extreme reductionism, but would constitute a failure to grasp how Bentham came to study these subjects and how they fit into his secular social science. Not every thing can be reduced to political motivation and thereby fruitfully or correctly explained. In this case a more sensitive handling of the material is called for, and in particular a close reading of the early thoughts and later writings on ontology, logic and language, if the complete matrix of factors which influenced the form and content of the religious works is to be brought to light.

However, this is not to leave politics completely aside. For the second part of my argument, to which Chapter Five is devoted, is that

Language', and the 'Fragments On Universal Grammar'. In the following chapter I will argue that a critique of religion founded on the theoretical principles enunciated in these works was integral to Bentham's secular social science. For the present, however, I intend to concentrate on explicating the nature of his scientific method. Drawing upon the essays on logic, ontology, and language, as well as other published and unpublished sources, my argument in this chapter is that throughout Bentham's long life the principles of his scientific method and the critique of religion were so closely related in his system that the latter cannot be fully understood without recourse to the former. But it is not merely that the relation between these two aspects of his work is so intimate that the one inexorably draws our attention to the other. The connection is a more vital one than this. It is that given the specific set of theoretical principles Bentham employed in all the various aspects of his work, the character of his critique of religion was always going to be what it in fact turned out to be. In other words, a certain inevitability about the findings of Bentham's analysis of religion was in-built, so to speak, in the particular methodology he brought to his subject.

In the first place, this methodology can be described as 'experimental' or more properly 'experiential', which is to say that only that which is observable by man can be made a subject for analysis or generalisation. The materialism which this entails is complemented by a 'logic' which goes beyond the usual sense of that word, meaning the science or art of reasoning, to include a consequentialist element. In other words, it is a peculiarly utilitarian logic which is reminiscent of Hobbes' notion of reason or 'deliberation' as the 'reckoning' of

and thus misrule, free to operate unchecked. It is more than an interesting idea to suggest, therefore, that it was Bentham's early radical stand on religious matters that not only permitted but helped draw him into a more extreme position on political questions. In Chapter Five I intend to lay the groundwork for this interpretation of events by exploring the connection between Bentham's views on religion and the ethical and legal studies which laid the basis for his entire system.

My interpretation of the character, development, and function of Bentham's religious writings, published and unpublished, therefore, rests on these two explanatory factors: that the critique of religion was in part determined directly by the theoretical principles of his social science, and that this critique is central to his vision of the secular Utilitarian society and thus shapes (as well as being shaped by) his political radicalism.

## Chapter III: Footnotes

<sup>1</sup> See Stephen, The English Utilitarians, vol. I, pp 375-6; Elie Halévy The Growth Of Philosophic Radicalism, trans. Mary Morris (London 1972), pp 290-1, 295; Ogden, The Theory Of Legislation, introduction, p xlviii; Atkinson, Jeremy Bentham, pp 210-11.

<sup>2</sup> Stephen, The English Utilitarians, vol. I, p 315.

<sup>3</sup> Plan Of Parliamentary Reform, published with corrections and revisions in 1817, and included in Works, vol. III. Bentham's radicalism is here misleadingly tempered by his claim that he would only 'restore' the constitution as it should be, but what he means by this is that the 'democratical' or 'universal interest' should be given 'that ascendancy which by the confederated, partial, and sinister interest has been so deplorably abused, and so long as it continues, will continue to be abused: ... this is what parliamentary reform means, if it means anything.' ibid., p 446.

<sup>4</sup> Church-Of-Englandism, 'Preface On Publication', p xi.

<sup>5</sup> JB to John Koe (14 Jan. 1818), Koe Mss. At this time Bentham was particularly frustrated with the Whigs, especially Romilly and Burdett, for their reluctance to whole-heartedly pursue 'the cause of the people'. JB to Place (6 Feb. 1818), Mss. insert in British Library copy of Church-Of-Englandism.

<sup>6</sup> Works, vol. X, p 66.

<sup>7</sup> For this see Gertrude Himmelfarb, Victorian Minds (New York 1968), Ch II, 'The Haunted House of Jeremy Bentham'.

<sup>8</sup> JB to George Rosè (16 Nov. 1796), Correspondence, vol. V, ed. A. Taylor Milne (London 1981), Letter 1211. This was hardly likely to strike a sympathetic chord in Bentham, who almost certainly did not play cricket while at Westminster. For Bentham's correspondence relating his efforts and frustrations concerning Panopticon see ibid., passim.

<sup>9</sup> William Wilberforce to JB (21 Nov. 1796), Correspondence, vol. V, Letter 1216. For Wilberforce's association with Bentham in the Panopticon business see John Pollock, Wilberforce (London 1977), esp. pp 137-9.

<sup>10</sup> R.I. Wilberforce and Samuel Wilberforce, The Life Of William Wilberforce (5 vols. 2nd. edn. London 1839), vol. II, p 172.

<sup>11</sup> Ogden, The Theory Of Legislation, introduction, p xlviii; Atkinson, Jeremy Bentham, p 210.

<sup>12</sup> Mack, Jeremy Bentham, An Odyssey Of Ideas; Steintrager, 'Morality And Belief'.

<sup>13</sup> Mack, Jeremy Bentham, An Odyssey Of Ideas, pp 13, 299. See also pp 35-6, 45, 49.



<sup>14</sup> Bowring omitted Bentham's preface to The White Bull from the Works.

<sup>15</sup> Everett, The Education Of Jeremy Bentham, p 68.

<sup>16</sup> U.C. Box 96/111, cited by Steintrager, 'Report On The Problems Of Editing Bentham's Manuscripts On Religion', p 3.

<sup>17</sup> U.C. Box 96/132 (c. 1775), cited by Steintrager, *ibid*.

<sup>18</sup> U.C. Box 5/1-32, and Box 96/263-341.

<sup>19</sup> 'Obstacles: Divine' and 'Obstacles to a perfect system of legislation' (c. 1773-5), U.C. Boxes 96 and 97.

<sup>20</sup> U.C. Box 73/90-100, and Box 74a/1-25 (c. 1774).

<sup>21</sup> Steintrager, 'Report On The Problems Of Editing Bentham's Manuscripts On Religion', p 4.

<sup>22</sup> Everett, The Education Of Jeremy Bentham, p 197; Mack, Jeremy Bentham, An Odyssey Of Ideas, p 305.

<sup>23</sup> U.C. Box 159/270, 'Crit Jur Crim'.

<sup>24</sup> U.C. Box 69/26, 'Crit Jur Crim'.

<sup>25</sup> JB to Jean Le Rond D'Alembert (Spring 1778), Correspondence, vol. II, Letter 249.

<sup>26</sup> U.C. Box 96/328.

<sup>27</sup> BL Add. Mss. 29,807/147, cited by Steintrager, 'Report On The Problems Of Editing Bentham's Manuscripts On Religion', p 3.

<sup>28</sup> JB to Francis Place (24 April 1831), BL Add. Mss. 35419/73-4, quoted by Wallas, Life Of Place, p 82.

<sup>29</sup> U.C. Box 161a/14-19 (1817), 'General Idea Of The Work'.

<sup>30</sup> See Steintrager, 'Report On The Problems Of Editing Bentham's Manuscripts On Religion', pp. 6, 3.

<sup>31</sup> JB to Samuel Bentham (15 Nov. 1796) and JB to Samuel and Mary Sophia Bentham (18 Nov. 1796), Correspondence, vol. V, Letters 1210 and 1213.

<sup>32</sup> See Place's exchange with Allen, BL Add. Mss. 37,949/35-6, cited by Steintrager, 'Report On The Problems Of Editing Bentham's Manuscripts On Religion', p 3.

<sup>33</sup> Steintrager, 'Morality And Belief', p 8.

<sup>34</sup> *ibid.*, pp 7, 12.

<sup>35</sup> See Weber, The Sociology Of Religion, pp 136-7.

36. Hume, Bentham And Bureaucracy, p 166. For a detailed exposition of the development of Bentham's thought during this period see Ch 6.

37. ibid., pp 167, 186.

38. That Bentham consistently opposed what he called the 'levelling system' both before and after the French Revolution is a matter of some debate. See D.G. Long, 'Bentham On Property', in Theories Of Property: Aristotle To The Present, ed. T.M. Flanagan and A. Parel (Toronto 1978), p 225; Mack, Jeremy Bentham, An Odyssey Of Ideas, pp 17, 416, 432-40; J.R. Dinwiddy, 'Bentham's Transition To Political Radicalism, 1809-10', Journal Of The History Of Ideas, vol. 36 (1975). But Michael James seems to give the correct view of Bentham's utilitarian reasons for adopting the democratic programme in 1809: '... Bentham normally conceived of democracy as a set of institutions designed, not to discover the preponderant aggregate of individual interests, but to promote only the common interests of all the members of the community.' Democratic government, free from sectional or sinister interests, is the best, if not the only way, to enhance the creation of the Utilitarian society. 'Public Interest And Majority Rule In Bentham's Democratic Theory', Political Theory, vol. 9, No 1, Feb. 1981, p 49.

## CHAPTER IV

### RELIGION AND SCIENCE: BENTHAM'S METHODOLOGY

In the eighteenth century, Peter Gay has said, the advance of knowledge meant the advance of reason, and whether devout Christians liked it or not the world was being 'emptied of mystery'. 'The irresistible propulsion of modern scientific inquiry', he writes,

was toward positivism, toward the elimination of metaphysics, and the clear separation of facts and values, foreshadowed by Bacon, implied by Newton, triumphantly announced by Hume, taken for granted by the leading scientists of the later eighteenth century ... Every scientific discovery weakened the hold of theological explanation, metaphysical entities, and aesthetic considerations: ...<sup>1</sup>

Certainly it was not uncommon to find among the philosophers of the age men of scientific tastes.<sup>2</sup> Bentham was passionately fond of experimental science and especially chemistry, in which he found no small degree of enjoyment in his early life. Indeed one suspects that it was this shared interest, as much as their philosophic similarities, which so much endeared him to Joseph Priestley, a political philosopher and Dissenting theologian at the forefront of the advances in chemistry in the last decades of the century. To the study of botany Bentham was devoted all his life, and he was fond of using medical allusions and analogies in order to convey the various purposes of his writings. His researches and reading in these areas of physical science prepared the way for the principles of his scientific method, which he was to apply with extraordinary results to the moral world. Bentham has long been recognised as an exponent of a new science of man and society, yet the crucial relationship between his views on religion and his little considered scientific

or methodological works has received scant attention from scholars in the past. Everett acknowledged the importance of the writings on method but did not see any connection between these and Bentham's religious works, settling for the observation that nearly 'the whole of his life was to be devoted to an attempt to apply the scientific method to the field of law.'<sup>3</sup> Mary Mack, on the other hand, does suggest an intimate association when she writes that 'Bentham's religious opinions later underwent the same arcane-popular split, long sleep and renaissance as his psychological and ethical theories.'<sup>4</sup> But she then turns to a discussion of the relations between religion and politics in his later thought, and any connection between the 'psychological' or scientific works and the religious views is forgotten or not thought relevant. That Bentham aspired to create a science of society similar to physics is then a commonplace of the literature on utilitarianism,<sup>5</sup> but it has rarely been considered that this aspiration was fundamental to his critique of religion and ecclesiastical institutions. Surely it was not a mere coincidence that at the very time when he was devoting so much of his time to religion his methodological works substantially reached fruition? The book on logic, on which Bentham worked at intervals between 1811 and 1821 (and to which he returned from time to time during his final years), was intended to give a full description of his method. The work was never completed. Much of the material for it, however, was edited and appears in several fragments in Bowring's edition of the Works. The essay on 'Nomography' with an appendix on 'Logical Arrangements, Or Instruments Of Invention And Discovery Employed By Jeremy Bentham' appears in the third volume, and included in the eighth volume are the 'Essay On Logic', 'A Fragment On Ontology', the 'Essay On

Language', and the 'Fragments On Universal Grammar'. In the following chapter I will argue that a critique of religion founded on the theoretical principles enunciated in these works was integral to Bentham's secular social science. For the present, however, I intend to concentrate on explicating the nature of his scientific method. Drawing upon the essays on logic, ontology, and language, as well as other published and unpublished sources, my argument in this chapter is that throughout Bentham's long life the principles of his scientific method and the critique of religion were so closely related in his system that the latter cannot be fully understood without recourse to the former. But it is not merely that the relation between these two aspects of his work is so intimate that the one inexorably draws our attention to the other. The connection is a more vital one than this. It is that given the specific set of theoretical principles Bentham employed in all the various aspects of his work, the character of his critique of religion was always going to be what it in fact turned out to be. In other words, a certain inevitability about the findings of Bentham's analysis of religion was in-built, so to speak, in the particular methodology he brought to his subject.

In the first place, this methodology can be described as 'experimental' or more properly 'experiential', which is to say that only that which is observable by man can be made a subject for analysis or generalisation. The materialism which this entails is complemented by a 'logic' which goes beyond the usual sense of that word, meaning the science or art of reasoning, to include a consequentialist element. In other words, it is a peculiarly utilitarian logic which is reminiscent of Hobbes' notion of reason or 'deliberation' as the 'reckoning' of

consequences toward the end of 'felicity' (Leviathan, Part I, Chs. V-VI), and is more appropriately described as the science of well-being, or alternatively the art of reasoning in accordance with the discernment of pleasures and pains. This materialism and utilitarian logic naturally brought Bentham to despise the common notion of 'metaphysics', understood as 'abstract thinking' or the science of things transcending what is physical or natural, though he occasionally used the term to refer to his own speculations in the field of linguistics. These speculations and the nominalist understanding of the world they fostered were crucial to the development of Bentham's scientific methodology. Together they constitute a theory of language in which general terms have no corresponding reality: words, ideas, and propositions must represent or describe tangible, discrete physical entities or they are abstractions. It is the task of 'ontology' to reduce these abstractions or 'fictions' to 'real entities', but Bentham is clear that where ontological analysis fails to establish physical referents for a fiction it can be assumed that it does not exist in any tangible form, and thus cannot be known in any certain or scientific sense of that word.

The ramifications of this methodology for a religion which assumes that man's nature has its spiritual as well as its physiological side, and that there exists a reality beyond the perceptible material world, are predictable. Indeed there is an unpublished manuscript from the year 1773 which speaks characteristically of Bentham's aspiration to follow in the footsteps of Newton and Locke, but which is also indicative of the subsequent direction of his thoughts on religion. In the process of eulogizing the achievements of 'those heroes of the intellectual world, whose mortal works have placed their country on the summit of the scale

of nations', he pauses to reflect that both men were religious heretics: 'Fire is not more at variance with water, than was Locke with orthodoxy ... Newton was an Heretic: the few lost hours which that great man stole from the region of certainty to waste upon the region of unintelligibles led him into Heresy.'<sup>6</sup> It is clear that Locke and Newton are not to be lauded for their religious opinions, heretical or otherwise, since these they held despite their knowledge of the workings of human nature and of the general laws of the world. It is in this respect that they left 'the region of certainty' to inhabit 'the region of unintelligibles'. Right from the beginning, then, science (as Bentham understood it) was antithetical to religion, and the manner in which he rigidly applied its principles to the examination of religious beliefs and the doctrines of the Established Church stands as a lucid and compelling testimony to his own 'unbelief'.

His faith in the value of science to social analysis was vividly stated at the onset of his philosophical career. In A Fragment On Government, Bentham's first major publication, he wrote that the age in which he lived was 'a busy age; in which knowledge is rapidly advancing towards perfection', and if this was so in 'the natural world' where 'everything teems with discovery and with improvement' there was surely considerable room for making discoveries and improvements in the moral world.<sup>7</sup> As Newton had banished the vocabulary of mysticism and superstition from natural science, so Bentham made it his aim to rid the moral or social sciences of the verbal and philosophical superstitions that bedevilled the philosophy of experience. The unique utilitarian logic together with the presuppositions of his nominalist metaphysics, and the theory of language in which these elements were formalised, were the tools

he enlisted for the task. Logic and language in all significant respects should accurately reflect reality; nominalism meant the separation of wholes into their component parts and the reduction of abstractions or 'fictions' to concrete things. The philosophy which exhibited these characteristics was principally a philosophy of method, and that a method of painstaking detail. For J.S. Mill it constituted Bentham's 'revolution in philosophy': it was not his opinions 'but his method, that constituted the novelty and value of what he did'. Most importantly he introduced 'those habits of thought and modes of investigation which are essential to the idea of science.'<sup>8</sup>

The first premise of Bentham's social science is the conception of the unification of all sciences founded on their common basis of the science of man. 'Tis evident', Hume had argued, 'that all sciences have a relation, great or less, to human nature, and that however wide any of them seem to run from it, they still return back by one passage or another.' After all, even 'Mathematics, Natural Philosophy, and Natural Religion' are to some degree 'dependent on the science of MAN'; they 'lie under the cognizance of men, and are judged of by their powers and faculties.' If this is true then how much more must it hold for sciences like 'Logic, Morals, Criticism, and Politics' whose relationship with human nature is 'more close and intimate?'<sup>9</sup> When Bentham insisted on the unity of the natural and moral sciences, it was on the ground that the same method and principles that applied in the one were applicable in the other, and in this he effectively went no further than Hume. It was upon this premise that he aspired to create a science of society similar to that of Newtonian physics.



The empirical character of this social science can perhaps also be traced to the work of Hume. The young Bentham would no doubt have been impressed by the subtitle to the Scotsman's Treatise Of Human Nature: 'Being An ATTEMPT To Introduce The Experimental Method Of Reasoning Into MORAL SUBJECTS'. This was the goal Hume set for himself and for his age. It was a goal founded on the belief that scientific enquiry was of the utmost social relevance but, more particularly, it was an approach based on the strictest separation of facts and values. In manuscripts dating from c. 1774 under the title 'What Things Exist?' Bentham proclaimed his own belief in the material world as the essence of an objective reality: 'I assume and take it for granted, that among the objects or supposed objects that offer or are supposed to offer themselves to our senses, are some that actually exist. I assume in a word the existence of what is called the material world.'<sup>10</sup> The sentiment is echoed in the later 'Fragment On Ontology': 'no substance can exist but it must be itself matter; be of a certain determinate form; be or exist in a certain determinate quantity ...'<sup>11</sup> From very early on it is clear that for Bentham the doctrine of utility is to be defined as a philosophy of experience. The following passage (c. 1774) from the unpublished 'Critical Jurisprudence Criminal' is worth quoting at length:

A dictate of utility is not a law; but it is a reason, however, for a law, as it is for any other article of conduct, and the only sort of reason that deserves the name: all else is but empty declamation. When a man takes upon himself to blame or approve a mode of conduct, and can give a reason for it, his reason is always of this sort. This reason then is an expression of a general matter of fact the truth of which rests upon experience. When I say the custom in parents of providing sustenance for their children is a useful custom, when I blame the not observing it, and give the utility of it as a reason for observing it or what comes to the same thing, where I give the mischief of not observing it as a reason for blaming the non-observance of it, I allege a matter of fact ... a set of facts and call in experience to witness.<sup>12</sup>

Bentham's materialism, however, entails an obvious bias against the claims of religion. The only objects which have any real existence are those which are corporeal, single and entire of themselves. Sense impressions provide us with the data of the external world and these are translated into mental images and abstractions for the purpose of discourse. Convinced that the reality of the world of appearances is a matter of experience, Bentham argued that when all the characteristics of the evidence observed by a man are noted belief or disbelief are no longer at his discretion; one or the other is the necessary consequence of the preponderance of evidence on the one side or the other. The business of knowing is simply a matter of observation, inference and verification. In the 'Essay On Logic' he put it thus: 'Experience, Observation, Experiment, Reflection, or the results of each and all together; these are the means, these are the instruments by which knowledge - such as is within the power of man - is picked up, put together, and treasured up ...'<sup>13</sup> On these terms religious beliefs are no more than the consequence of a man's ignorance of the real workings of the world.

Nevertheless a substantial part of what Bentham achieved in his early writings, particularly those on ethics and jurisprudence, was made possible by the consciousness of the assistance to be had from a rigorous methodology, and it is interesting to note that he thought of his method as just as much an object of invention and discovery as any of the theoretical principles of his social science.<sup>14</sup> This methodology, however, can be seen as a general attempt to formulate the rules, principally those of discovery and invention, of his scientific approach to political and social inquiry. Writing to James Anderson in 1784 he

noted that 'the task of invention has for some time been accomplished, and all that remains is to put in order ideas ready formed; ...'<sup>15</sup>

Principal among these ideas was the conception of a neutral discipline of linguistic analysis, an 'invention' fundamental to the manner in which Bentham conceived the world. Mack is surely right that before he was a statesman Bentham was a 'metaphysician', meaning by this that he speculated on and evolved a comprehensive theory of language.<sup>16</sup> Nor is it coincidental that around the same time that Bentham first addressed himself to specifically religious matters in 1773, we also find him speculating upon an utopian future when academies might be established not only for ethics and politics (and possibly theology) but for 'English Language' also, under the auspices of which research would be carried out into 'Language in general, Grammar, Logic, particularly metaphysics ...'<sup>17</sup> While he was still inventing and discovering his stock of fundamental principles, he was already beginning to think about some of their applications to particular situations. At the same time he was moving toward a synthesis between his materialism and a theory of language in which there existed a precise correlation between things, words, ideas, and principles. The following observation on the nature of metaphysics, in connection with a barely disguised hit at certain religious tenets, is a fairly typical one of the time (c. 1776):

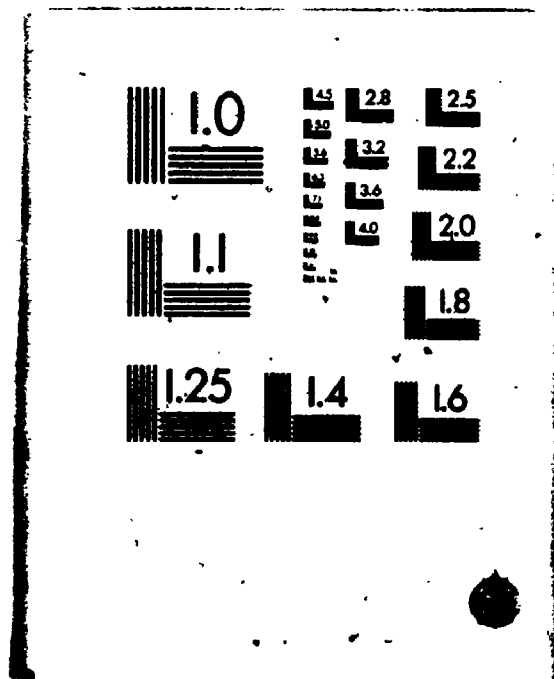
To be skilled in Metaphysics is neither to hold for Atheism nor for Theism. Metaphysics is neither infidelity nor credulity. It is not to know that there are neither God nor Angels. It is not to hold the soul to be mortal, nor to hold it to be immortal. But it is this: in talking whether of God or of Angels or of the immortality of the soul or of its mortality ... to know and to be able to make others know what it is we mean.<sup>18</sup>

For Bentham, then, 'metaphysics' meant linguistic analysis. In another early manuscript he credited Locke with the invention of 'modern Metaphysics' and described it as,

that science which teacheth the signification of words, and the ideas which they signify: which it does ... [by] shewing how all the ideas we have that are complex, arise from, and are made up of simple ones. Thus it is, that ... every science has its metaphysics: there is no science that has not a set of terms that are more particularly its own, standing for ideas that are more particularly its own: ...<sup>19</sup>

A good neutral dictionary is essential to the possibility of a science of morals and politics, just like any other science, and in religion, as elsewhere, Bentham professed to keep personal prejudices out of the matter. There is, however, a crucial metamorphosis that takes place in his thinking here that must be understood if the character of his critique of religion is to be fully comprehended. In Bentham's vocabulary the terms 'method', 'theory', 'logic', 'classification' and 'nomenclature' are very nearly synonymous. In the 'Essay On Logic' he recognized as much: 'In the whole field of the art of Logic, so large is the portion occupied by the art of methodization ... that the task of showing what it ... can do, is scarcely distinguishable from the task of showing what ... Logic can ... do.'<sup>20</sup> The crucial step in this metamorphosis, however, is not expressly acknowledged by Bentham but took place very early in his methodological speculations. It is the reduction of science and philosophy to 'metaphysics' defined in terms of a theory of language which insists on the correspondence between reality, words, ideas, and principles. But it is not merely that for Bentham metaphysics becomes linguistic analysis; more importantly this step means that the structure of reality is now seen, can only be seen, in terms of the structure of language. This metamorphosis, I would maintain, lies at the

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heart of his narrow understanding of what constitutes knowledge and how reality is to be understood, and is therefore central to his understanding of religion.

The interest in linguistics Bentham shared with and was inspired to take up by the French philosophes, Condillac and Condorcet and more especially D'Alembert.<sup>21</sup> It was a major tenet of the philosophy of these writers that reasoning on the objects of sensation could take place only after they had been given 'signs'. The process of reasoning was the development of a well-made language using these signs, and the principles of any system of science were precisely formed propositions in the language of that system. A science, therefore, consisted of a set of propositions about the real world and the whole of the science must be contained in these propositions. 'A well treated science,' wrote Condillac, 'is only a well-made language'.<sup>22</sup> Language, then, is the key to precise reasoning and it is understandable that the philosophes took such an interest in language reform. If every science were to enjoy the same precision of language they could all be reducible to a single proposition from which each could be developed in its entirety. As Condillac put it, 'a complete system' could be 'only one and the same idea'.<sup>23</sup> In the Encyclopedie article 'Elemens des sciences' D'Alembert described the connection between the sciences in terms of a logically constructed series of propositions:

suppose that [a] science is treated completely in a single book so that one has under one's eyes successively all the propositions, either general or particular, which form the whole system of the science, and suppose that these propositions are disposed in the most natural and most rigorous order possible; and let us suppose in addition that these propositions form an absolutely continuous series so that each proposition depends uniquely and immediately on those that precede it and that it does not assume any other principle than those contained in the preceding proposition;

in this case each proposition ... will be only a translation of the first presented under a different face; consequently all will reduce to the first proposition regarded as the element of the science concerned.<sup>24</sup>

The content of scientific knowledge is the logical arrangement of propositions, and progress through the sciences and from one to another consists in using language to articulate new propositions which are always dependent on some preceding ones.<sup>25</sup>

Condorcet expressed similar enthusiasm for the importance of language. He declared that the first object of philosophy was to form a precise and exact language for each science. This language should 'bring to all the objects embraced by the human intelligence a rigour and precision which renders the knowledge of truth easy and error almost impossible. Then the development of each science would have the sureness of mathematics and the propositions which form the system all the certitude of geometry'.<sup>26</sup> For Condorcet mathematics and geometry were the models of precision for the moral sciences: 'supported on the observation of facts, as are the physical sciences, they ought to follow the same method, to acquire a language which is equally exact and precise, and attain the same degree of certainty'.<sup>27</sup>

The sentiments of the French philosophes found in Bentham a responsive soul who held that communication through language is basic not only to the progress of science but to the progress of social organisation. The problem of truth was, he believed, contained in the confusion of linguistic errors. This discovery brought with it the realisation that a theory of signs and a theory of science were one and the same enterprise. Clear thought and speech, fundamental to scientific theory, was an essential prerequisite for the rational ordering of a man's private and

public affairs. The irrational and the 'metaphysical' (in the conventional sense meant by Bentham to refer to all spurious reasoning upon the principles of nature and thought) had to be expunged from discourse, and the means to this was through linguistic analysis. Ultimately this was to mean the imposition on religious thought and writing of an alien man-centred conception of language, an imposition which effectively stripped religious beliefs of their spiritual content. But I shall come to this in due course. For the moment I want to consider at more length the genesis and character of Bentham's theory of language.

As early as 1774-75, we find Bentham warning against the taking of words for granted unmindful of the 'things' to which they are meant to refer. Words and things are frequently confused in the mind such that we take one for the other, and the more familiar we are with a word the less we are likely to question its meaning but 'let it pass under favour of an old acquaintance'.<sup>28</sup> In a letter to his brother at the time he informs him of his work 'forming and putting together a string of Definitions and Axioms to prefix to the "Comment on the Commentaries"'.<sup>29</sup> And the manuscript pages of the unpublished 'Preparatory Principles' (1775-76) contain considerable detail regarding the nature of Bentham's evolving system of utilitarianism and the linguistic principles that accompany it. These pages contain an assortment of axioms, definitions, aphorisms and lengthy expressions of technical legal commentary. In words strikingly reminiscent of D'Alembert he asserts that 'the heights of science' are only to be scaled via an 'orderly, unbroken, well compacted chain of definitions'.<sup>30</sup> Scientific method demanded definitions and these he was determined to provide. In a jotting of 1778 he writes:



Define your words says Locke: Define your words says Helvetius. Define your words says Voltaire. Define your words says every man who knows the value of them, who knows the use of them, who understands the things they are wanted to express. Define them for the rules of Physics: define them for the sake of ethics; but above all define them for the sake of Law. Philosophers I have obeyed you. I have defined my words: and with more especial care, where with venturous grasp I have taken in hand the sceptre of legislation.<sup>31</sup>

Definition, central to any theory of linguistics, was for Bentham the 'sole and sovereign specific against the maladies of confusion and debate ...'<sup>32</sup> In 1776 he initiated the great work which he proposed to give the title 'Elements of Critical Jurisprudence'<sup>33</sup> by analysing key terms in political and legal theory. In unpublished manuscripts of the same date he pursued the task of terminological invention at great length, convinced that 'the import of ... fundamental words, is the hinge on which the main body of the science turns', and that 'it is not uncommon for questions of the first practical importance to depend for their decision upon questions concerning the import of these words'.<sup>34</sup> Ambiguities in legal terminology he found particularly monstrous and obvious:

The language current among lawyers is unfit; it cannot provide any clear conception of the things it is designed to signify.

Not having any accurate ideas, they have not any accurate language to express them.

The books of lawyers are ... a heap of confusion so much worse than a Babel as that, so far from understanding his brothers, no man can understand himself.<sup>35</sup>

All legal jargon and all party chicane apart ... the usage that has subsisted, and does actually subsist seems to be ... a matter of opinion.<sup>36</sup>

Language which has no bearing on the facts of experience is for Bentham irrelevant, useless, frequently pernicious, and certainly opposed to

truth. We can see already that on these terms theology is necessarily prejudged as irrelevant, since it deals not with the facts of ordinary experience but with a reality which transcends the materialism of the physical world. Just as the language of opinion can have no place in the discourse of the sciences, natural or moral, so, for Bentham at least, neither can the untestable and unverifiable beliefs of theology.

For the remainder of his life the analysis of language was always fundamental to his method. While language afforded men the means of communication and was also the main instrument of thought,<sup>37</sup> it also contained within it all manner of possibilities for confusion and deception which could be exploited 'voluntarily' or 'involuntarily'. Bentham found language a source of mystification and a dangerous agency of deception and oppression, and was convinced that 'whosoever harbours a favourite error which it would pain him to see exposed, beholds in logic or metaphysics, or both, an object of antipathy and terror'.<sup>38</sup> For the first step in the art or science of logic is the establishment of clear and distinct ideas. Logic, he writes in the 'Essay On Logic', provides the solution to the error and perplexity which has its source in language, and points to terminology more appropriate to the end of 'well-being' (the end of all sciences).<sup>39</sup> Elsewhere he was to write:

in proportion as a man's mode of reasoning is close (always supposing his intention to be honest, he employs for the designation of every object he wishes to indicate, the most exact and particular expression he can find. He does his best to find language which will distinguish his object as clearly as possible from what is not to his purpose and what he does not wish to bring to view.<sup>40</sup>

Logical method, the method of close reasoning, requires that 'we should first give a very distinct meaning to a numerous tribe of words

... words to the which, in the mind of many a writer, no assignable ideas, no fixed, no real import has been annexed'.<sup>41</sup> Once those exact meanings have been established, pleasures and pains will be found to be capable of quantitative comparison, and in this way, says Bentham, 'the method and clearness of mathematical calculation are introduced for the first time into the field of morals'.<sup>42</sup> However, we might note that it is extremely doubtful that giving a distinct or exact meaning to a word really gets us as far as Bentham would have us believe. 'Mathematical calculation' perceives no distinction between 'meaning' and 'purpose', yet in assessing the moral intent of a discussant or writer knowledge of his purpose is of the utmost significance. Certainly we can agree that the avoidance of close reasoning has a tendency to serve sinister interests, but even where reasoning is close we cannot always be sure of the purpose to which language will be put. Certainty about morals, therefore, does not necessarily follow from the insistence that words be used according to their precise meaning.

It was amid the barrage of criticisms of imprecise and archaic language usage in some early manuscripts (c. 1776) that Bentham introduced his theory of 'real' and 'fictitious' entities. Here he foreshadowed what in the later methodological works he carefully and systematically developed. 'The substances that are capable of being defined', he tells us, 'are such only as are significant of themselves'. But there are also words like right, power, motion, and gratitude that 'are not in truth significant of themselves, but only by fiction .... Such are all those terms though substantives in point of grammatical form'.<sup>43</sup> Again one cannot avoid the impression that Bentham is struggling to hold the unknowable at bay, for the 'fictions' he refers to here are

all connected with 'purposes' or 'oughts' and these are things not quantifiable by any mathematical calculation. Ignoring this, however, he turns his attention to the word 'right' and prepares the ground for his later famous denunciation of rights as a 'nonsense' and natural rights as 'nonsense upon stilts'.<sup>44</sup>

The word right, though a substantive is not significant of itself any more than a proposition is significant of itself. The word right is not significant of itself any more than the word 'For' is significant of itself .... Who will undertake to define 'For'? No man. As little is it possible to define a right.<sup>45</sup>

And in a mild attack on religionists he writes:

To maintain that there is a command from God to such an (sic) such an effect, and at the same time to allow that no signs of it can be produced, is to say that - to make no differences between expression and non-expression, between signs and no signs, between speaking and non-speaking, between writing and non-writing.<sup>46</sup>

It is in manuscripts of later date (c. 1790), however, that we find Bentham proposing to give to abstractions the new name of 'fictions' or 'fictitious entities', emphasizing that while sometimes useful and even essential to human discourse, abstractions were not 'real' entities.<sup>47</sup>

Bentham was first introduced to legal fictions via the lectures of Blackstone at Oxford, and the notion was later confirmed by his reading of Blackstone's Commentaries On The Laws Of England.<sup>48</sup> But it was D'Alembert who gave him the terminology he required:

D'Alembert is the author in whose works the notion of this distinction was first observed by me: - etre fictif is the expression employed by him for the designation of the sort of object for the designation of which the appellation fictitious entity has ever since been employed.<sup>49</sup>

Abstractions are 'verbal or fictitious entities'. By labelling abstractions 'fictions' Bentham felt able to use them without sacrificing the conviction that they functioned as a mere aid to discourse, and

more importantly that they could be reduced to particulars. Fictions were a convenience of discourse which could always be reduced to real entities. Hence in Of Laws In General we find Bentham referring to incorporeal objects as 'nothing but so many fictitious entities' which must be 'either one or several corporeal objects considered in some particular point of view'.<sup>50</sup> He was always ready to dispel the confusion which fictions interposed between fact and understanding in order to obtain 'a clear perception of the real state of things'.<sup>51</sup>

Naturally Bentham had not fully formulated his ontological ideas in the early writings. The culmination of his thoughts in this area of investigation came about in the years 1813-15 when he prepared the manuscripts for the 'Fragment On Ontology', and it was a subject to which he was to return again at various times up to 1821. The dichotomy between 'real' and 'fictitious' entities was at the heart of Bentham's work on language during this period. In the 'Essay On Logic' he informs us that the subjects of linguistic analysis are real and fictitious entities, and the job of this analysis is to be understood as 'psychical arrangement', that is to say, the distinction and arrangement of 'the names, and, through the names, the ideas' of the discourse of such subjects as come to view.<sup>52</sup> The field of ontology is 'the field of supremely abstract entities'.<sup>53</sup> Entities may be 'perceptible' (made known by immediate testimony of sense) or 'inferential' (the product of a chain of reasoning).<sup>54</sup> A real entity is an entity whose existence is actual or 'belonging to the essence of reality'. Its qualities are 'solidity' and 'permanence'.<sup>55</sup> Those real entities which are perceptible are corporeal substances; those

which are inferential are incorporeal 'substances' and belong to the world of ideas.<sup>56</sup> Fictitious entities, the primary focus of Bentham's analysis, are entities to which existence is ascribed by the grammatical form of expression, but to which 'in truth and reality existence is not meant to be ascribed'.<sup>57</sup> It is to language alone that fictitious entities owe their existence, 'their impossible, yet indispensable existence.' They are not to be condemned because of their translucent character, since they are necessary to the possibility of discourse taking place. We speak of them (words like motion, relation, faculty, power) as if they really exist without meaning that they do, but we do it to facilitate conversation and exchange ideas.<sup>58</sup> There is no doubt, however, that implied in what Bentham says here is an outright denial of the notion of an incorporeal reality. It is an impossibility, since incorporeal 'substances' belong only to the world of ideas. Nevertheless Bentham does have an important point to make: it is that linguistic confusions are often caused by taking a fictitious entity to have a real existence. Nor, says Bentham, is this a difficult mistake to make, since every fictitious entity is spoken of as if it were real.<sup>59</sup>

Of nothing that has place, or passes, in our minds can we give any account, any otherwise than by speaking of it as if it were a portion of space, with portions of matter, some of them at rest, others moving in it. Of nothing, therefore, that has place or passes in our mind, can we speak or so much as think, otherwise than in the way of a fiction.<sup>60</sup>

The purpose of distinguishing between real and fictitious entities is to limit the confusion that can be caused by the use of fictions as much as possible, by attaching clear ideas to terms in general use, and thus to obviate errors and disputes which arise from the want of clarity.<sup>61</sup>

Bentham's purpose, however, goes far deeper than merely this. Though they are not to be viewed, at least in initial conception, as the work of deception; all too often the creation and employment of fictions affords opportunities for deception to those who would employ such means to further their own ends. Inspired by 'mischievous immorality in the shape of 'mischievous ambition' the clergy and the legal profession are, as ever, foremost in Bentham's mind as the perpetrators of such frauds.<sup>62</sup> Fraud and professional chicanery are camouflaged by a screen of obscure and complex language which the layman cannot hope to penetrate. The test of such deception is, of course, utility. The validity of particular fictions (where convenience is not obviously the reason for their employment) must be judged by their utility. This is particularly the case in political, legal and ethical branches of science. Political and legal fictions like 'obligation', 'right', 'power', 'privilege', words to which many fail to assign fixed ideas, are to be explained 'by showing how they are constituted by the expectation of eventual good and evil, i.e., of pleasures and pains, or both, as the case may be ...'<sup>63</sup> In ethics psychical fictitious entities such as 'appetites', 'desires', 'motives'; and 'interests' each have to be reduced to pleasures and pains 'in the several shapes of which they are susceptible'.<sup>64</sup> Whatever of truth there is in a fictitious entity belongs to it only in so far as the proposition has for its subject some real entity.<sup>65</sup> It is only by 'paraphrasis', therefore, by way of reference to some other real entity or group of entities, that a fictitious entity can be understood. Paraphrasis will reveal that fictions, such as rights and obligation, have for 'their real source' sensation, that is to say, 'perception considered as

productive of pain alone, of pleasure alone, or of both'.<sup>66</sup>

Given such an analysis regarding the use and meaning of words and of the confusion they may produce, it is not such a curious phenomenon as might at first appear that we should find Bentham's definitive statement about the nature of the soul and about the supposed existence of God, not in any of his religious works, as one might expect, but in one of his essays on method, 'A Fragment On Ontology'. The belief in the soul's immortal nature and in the existence of an all-powerful and omnipresent God are fundamental to Christian doctrine; they must have appeared to Bentham as obvious and attractive subjects for linguistic analysis. Not surprisingly he found that the soul could not be classified as anything other than an inferential entity.<sup>67</sup> Lest there be any doubt as to his meaning Bentham adds in a footnote that those who do not believe in the reality of the soul as an independently existing phenomenon, must conclude that it is a fictitious entity, in which case it might be considered as 'that whole, of which so many other psychical entities, none of which have ever been considered any otherwise than fictitious, such as the understanding, and the will, the perceptive faculty, the memory, and the imagination, are so many parts'.<sup>68</sup> That this is his own conception of the soul, stripped of all mysticism and superstition, there can be no question. With reference to the existence of God his position is just as clear:

Should there be a person who, incapable of drawing those inferences by which the Creator and Preserver of all other entities, is referred to the class of real ones, ... the class to which such person would find himself in a manner, compelled to refer that invisible and mysterious being would be, not as in the case of the human soul to that of fictitious entities, but that of non-entities.<sup>69</sup>



Whereas Bentham can envisage that the soul may exist as the sum of the elements of the human psyche, the sum of all psychical functions, he cannot transform the notion of God into anything reminiscent of any common usage of the term 'God', such that it could be anything other than a 'non-entity'. The mysticism that is stripped from the idea of the soul cannot be stripped from the idea of God and leave anything remotely acceptable in its place.

That the notion of God is a source of fictions and that God is a non-entity are conclusions to which Bentham felt inevitably drawn by his ontology, and it was these principal ideas which lay at the heart of all his thoughts on religious beliefs. If you do not have good, that is scientific, grounds to suppose or infer the existence of God what is there left to say about a religion which merely assumes his reality? Over forty years before he wrote down these thoughts on the soul and the nature of God, Bentham had intimated that the 'science of divinity' might be a barren field of inquiry: 'Either Divinity is an important science', he wrote in the 'Subscription' manuscripts, 'or it is important to know that it is not: It is of importance, and of the last importance to know whether any of it is of importance, and how much and what, if any.' 170. The fruit of the ontological investigations he began in the early 1770's and continued into his final years, was to show that Divinity served the entirely negative function of revealing the absurdities fostered by the superstitions which have their source in religious beliefs.

The supposed infallibility of science, then, made it more than merely a useful propaganda tool in Bentham's attack on religion. If he did not carry out this attack with the same kind of scientific open-mindedness that he preached, at least he could use science to justify his faith in reason even when his original hostility may have come from

a different source. The case of the Church is a good example. In the 'Essay On Logic', Bentham, in the process of writing a short conjectural history of the term 'Church' and its signification, brings to bear the various logical and linguistic lessons which together form the methodology of his secular social science. It is worth following his exposition at length.

The genesis of the term 'Church' from its Latin form, Ecclesia, which signifies an assembly of persons for any purpose, to the early Christian usage, where it signifies an assembly of those of a particular faith, was accompanied, says Bentham, by the evolution of the role of the instructor or teacher of the faith. The English word 'minister' came to be substituted for the Latin word signifying 'servant' to designate these instructors, and later on the English word 'Bishop' was substituted for the Latin word Episcopi signifying 'overseers of the behaviour of the faithful'. In the process of this transformation those who were originally servants of the assembly now became its rulers. At the same time the word 'Church' came to signify different things to different people: 'viz. 1. The whole body of the persons thus governed; 2. The whole body of the persons thus employed in the government of the rest; and, 3. The all comprehensive body, or grand total, composed of governed and governors taken together.'<sup>71</sup> Added to this a fourth meaning soon evolved and was used to designate the place of assembly itself. As a result God, 'although present at all times in all places, was regarded as being in a more particular manner present at and in all places of this sort; ...'<sup>72</sup> Not long after these places became objects of veneration to the members of the assembly - in one word, they become 'holy'. An 'insensible transition' then took place by

which the terror and respect that the members held for their 'holy' place of worship 'came to extend itself to, upon, and to the benefit of, the class of persons in whose hands was reposed the management of whatsoever was done in these holy places: holy functions, made holy places, holy places and holy functions made holy persons'.<sup>73</sup> Bentham's anti-clericalism is introduced with a certain irony: 'Upon contemplating themselves altogether in the mirror of rhetoric, it was found that all these males put together ... composed one beautiful female, the worthy object of the associated affections of admiration, love, and respect - the Holy Mother Church.'<sup>74</sup> This institution took on a holiness which far outstripped 'the aggregate mass of holiness' of the several parts ('holy males') of which it was composed. The consequence was the elevation of the Church to infallibility even though its holy men remained fallible: 'Her title to implicit confidence, and ... implicit obedience, became at once placed upon the firmest ground, and raised to the highest pitch'.<sup>75</sup> The authority of the Church could not suffer disobedience lightly and the punishment of offenders was now demanded, for it was thought that a Church capable of being disobeyed was capable of being violated and its existence jeopardised. The members (now the real servants) of the Church universally condoned the infliction of punishment on recalcitrant members, and hence served to further secure the position and advantage of their rulers.<sup>76</sup>

One assumes at this point that Bentham has brought the history of the 'Church' up to its present condition. What are his conclusions? He refrains from any overt political statement, leaving this to Church-Of-Englandism, but it is clear that any linguistic analysis based on the potted history he presents here will throw up problems of an insuperable

nature. For it is obvious that any attempt to categorically define 'Church' is doomed to fail; no one exposition, complete and correct, can be given of it. For the same reason that he denied any real existence to groups or collectivities beyond the existence of their individual parts, and any real existence to universals or abstract terms, Bentham's favourite analytical tool, for which he was again indebted to D'Alembert,<sup>77</sup> was the decomposition or breaking-up of the complex into the simple. This 'exhaustive analytical method' entailed the classifying of phenomena by a 'dichotomous' or 'bypartite' division of generic terms. By repeating the operation indefinitely the aim is to ensure that each class is genuinely exclusive and that nothing is left out of the account or ever counted twice.<sup>78</sup> 'God', of course, is uniquely resistant to such analysis, but 'Church' provided Bentham with a suitable subject. In the attempt to define 'Church' he had recourse to logical or bypartite division as the necessary preliminary or accompaniment to definition, but this division made any further exposition in the shape of definition redundant.<sup>79</sup> Linguistic analysis shows that its several senses are easily mistaken for each other such that the word invariably produces confusion. 'In all matters relative to the Church', writes Bentham,

in so far as concerns the interests of the members of the Church, the good of the Church ought to be the object pursued in preference to any other. By each of two persons this proposition may, with perfect sincerity, have been subscribed. But according as to the word Church, the one or other of two very different, and in respect of practical consequences, opposite imports, has been annexed, their conduct may, on every occasion, be with perfect consistency exactly opposite; one meaning by the word church, the subject many, - the other, by the same word, the ruling few.<sup>80</sup>

The snipe at the clerics is again barely disguised, but the linguistic analysis can hardly be faulted. What is meant by 'Church' by one man may not be what is meant by another, and if there is nothing more to 'Church' than the sum of its individual parts (a subject I will return to consider in Chapter Seven), then what is meant by 'the good of the Church' becomes highly problematic. The consequence is confusion. But it is also Bentham's point that the confused mind is easily deceived and manipulated, and that ambiguous terms are very often employed to serve precisely this purpose. In Church-Of-Englandism the manner of such deception is not left for the reader to infer but is plainly stated. However, to read this work without the benefit of Bentham's logic and an understanding of his theory of language is to view it in an incomplete fashion. Often what looks to be petty carping and trivial criticism (though Bentham was prone to this too) in Church-Of-Englandism and other religious works, is really the consequence of a detailed analysis which does not appear in these texts. For the method is all-encompassing, developed and employed by Bentham throughout his long life, and was brought to bear on religious questions with as much precision as was invoked in applying it in the fields of ethics and jurisprudence. However, that it fails in certain crucial instances in the analysis of religion is a sufficient testimony to the limitations, and, indeed, the inappropriateness of its application to this aspect of the life of man. The failings of Bentham's method I will come to by and by; for the moment I want to bring to light several other features of his approach as it relates to the analysis of religion.

In the first place it is interesting to note that it was not for his

politics but for his approach to social and political questions that William Houghton was drawn to extoll Bentham's 'liberalism', claiming that more than anyone else he 'shaped the liberal frame of mind, and made the subjection of all authority to the judgement of reason its central characteristic'.<sup>81</sup> That the term 'liberalism' is more appropriately used to describe a particular methodology rather than a political creed, is also the suggestion of Duncan Howlett in his recent examination of the 'ecclesiastical' and 'critical' traditions of theological thought.<sup>82</sup> In the western world, he writes, the ecclesiastical tradition, which has its roots in pre-Christian Jerusalem, is based on the idea that truth is given to man by divine revelation; the critical tradition, beginning with Socrates, is 'a tradition of inquiry, of testing, of conjecturing, and of probing into the depths of all experience and all life'.<sup>83</sup> For the critical mind the source of religious knowledge is identical to the source of knowledge of every other kind, to which is added the proviso that all the hard data of experience must be tested and verified. There are no prior commitments for the critical mind; holy books are not given priority in veracity or authority over any other source of knowledge. The only commitment is to the method of inquiry itself.<sup>84</sup> Though it claims to be extra-religious the anti-religious tendency of this approach is clear, as is that of any approach that begins by treating religious knowledge as if it were not qualitatively different from all other kinds of knowledge. Now while Howlett considers Hume and the French philosophes as significant contributors to the critical tradition as it developed in the eighteenth century, he makes no mention of Bentham.

Perhaps this is understandable given the traditional neglect of his thoughts on religion, and 'the philosopher of Queens Square Place' was certainly no Socrates. Yet it is worth looking at Bentham as a proponent of the 'critical way' for it helps to pin-point features of his thought which might otherwise escape notice. For instance, it is an essential characteristic of the critical mind for Howlett that it refuses to delegate to someone else decisions as to what is true and right.<sup>85</sup> In fact this was Bentham's own counter to that 'species of idolatry' he described in The Handbook Of Political Fallacies as 'the worshipping of dead men's bones'.<sup>86</sup> No statement that a fact of the past is 'sacred' could exempt it from the ordinary processes of historical and analytical examination. That a person or an office claimed a 'sacred' authority was cause for even greater scepticism. The critical mind does not allow the privileged Few to decide what the Many may or may not hear, what is within their comprehension, or what might be offensive to them. The critical mind, it is said, is not anti- any religion or any doctrines a priori, but it is anti- any teaching that has to be accepted, like the revelations of Judaism, Christianity and Islam, on the mere authority of an institution that declares them to be true.<sup>87</sup> Bentham does not simply announce in Not Paul, But Jesus that all revelation is false, but argues that any claim of the truth of revelation must meet the same standard for acceptance as those by which we judge every other claim. This, of course, is to "load the dice", for Bentham's rationalism consists in his assimilation of religious beliefs to every other kind of belief, in the demand that they should be true in the sense of corresponding to an objective reality existing outside ourselves, and that they should

be experientially perceptible to us. The credibility and authority of religious narratives and doctrines are to be subjected to the same tests as those applied to profane history and literature.

The corollary of this methodological principle is that we are all ultimately responsible for the opinions or beliefs we hold. In the technical sense we can let the Church or State make our decisions for us, but this is only to make decisions at one remove, since we must still take responsibility for the initial decision to delegate.<sup>88</sup> In the 'Essay On Language' Bentham sums up the point thus: 'All reliance on the opinion as supposed of others, is in fact reliance upon a man's own opinion; vis. upon his opinion concerning the credit due to the opinion which in the instance in question is attributed to others'.<sup>89</sup> By accepting the opinions of authority or complying with customary or habitual procedures, whether in religion or elsewhere, we do not thereby escape responsibility for our speaking or acting in accordance with those opinions or procedures. It is incumbent upon us that we review these and if we find them unsatisfactory we must reject them; uncritical acceptance is our own responsibility and if they be false is as blameworthy as if we adopted them merely to serve some ulterior purpose. Bentham, of course, thinks the outcome of such an examination to be a foregone conclusion. He knew very well that freedom of inquiry in religious matters tended to undermine the foundations of belief, and argued himself that the more absurd the religion the sooner its adherents 'are obliged to come to the principle of non-examination and explicit faith'. 'But if once they examine', he cautioned, 'all is over.'<sup>90</sup>



Finally, the critical mind necessarily thinks of man as error-prone and easily deceived; the ecclesiastical mind thinks of man as finite, mortal, weak and helpless, unable to find truth for himself or to act virtuously and wisely without divine assistance.<sup>91</sup> Integral to both traditions of thought, then, is the assumption of human fallibility. The recognition of fallibility is especially crucial to the critique of Christianity mounted by Bentham, and he is defiant that there exists no exception in the shape of any man or any institution. Through Montaigne, Bayle, Locke and Voltaire the long struggle with the patent fact of human fallibility reached its point of precision in Hume, who declared with seeming finality that there is nothing of which we can really be sure. Bentham would not go as far as this with Hume, but in religion he sought to explode once and for all the myth of authority which he had first hounded in his early writings on jurisprudence. Because man is fallible and prone to errors how can we accept that any one man or group of men can ever be right by virtue of their office? And if we do place our trust in such men, how can we be sure that we are not being deceived by them? It is such questions as these which make sense of Bentham's boundless passion for criticism. Like Voltaire and Hume, Bentham was for J.S. Mill 'the great questioner of things established, ... the great subversive, ... the great critical thinker of his age and country'. Great, Mill explained, because under his influence 'the yoke of authority has been broken, and innumerable opinions, formerly received on tradition as incontestable, are put upon their defence, and required to give an account of themselves'.<sup>92</sup> Bentham's perception of the relation between human error and religion, and of the solvent provided by science, is clearly set out in the Chrestomathia:

In knowledge in general, and in knowledge belonging to the physical department in particular, will the vast mass of mischief, of which perverted religion is the source, find its preventive remedy. It is from physical science alone that well-grounded confidence which renders him proof against so many groundless terrors flowing from that prolific source, which, by enabling him to see how prone to error the mind is on this ground, and thence how free such error is from all moral blame, disposes him to that forbearance towards supposed error, which men are so ready to preach and reluctant to practise.<sup>93</sup>

The remedy for all the mischiefs perpetrated by religion was to be found in science. Though prone to error, man need not accept anything that cannot be supported by experiment and observation. For Bentham 'blind faith' could never provide an adequate substitute for hard empirical facts. Far from being the sceptic who holds that we must tolerate because we can never be certain of anything, his position in politics, philosophy, jurisprudence and theology alike, was that whatsoever is known must be based on reasoned argument from a solid scientific foundation of acceptable evidence. Hence, if Bentham was an advocate of the voice of reason, it was only in so far as this meant faith in the authority of science.

Of the consequences of his scientific methodology for religion he was well aware. Indeed, he was pleased to note (c. 1780-90) that even some Anglicans were becoming convinced that while it was liberty of discussion which nourished the early Church and fueled the Reformation that same liberty 'would now infallibly prove mortal to it in its maturity'.<sup>94</sup> Bentham was equally certain of the consequences if men ignored reason and continued to place their trust in the doctrines of religion:

When a man has once got into the way of making Revelation serve him instead of Reason, and the opinions in which men in authority hold instead of Revelation, and the opinions which men in authority avow instead of what they hold, he is prepared for the embracement of every absurd and mis-

chievous error, and for the rejection of every salutory truth.<sup>95</sup>

His mind 'enfeebled' the only support a man can find for such a system, says Bentham, is 'blind credulity', and he will resist all objections and defend that system not because it is true, but simply because he has resolved to defend it.<sup>96</sup> The alternative is that men should place their faith in reason. Bentham's reliance on reason or the authority of science, however, is most conspicuous by his complete failure to attempt anywhere, in his religious or other writings, to come to terms with the spiritual aspect of religion. Did his attitude derive from his personal experiences with religion, or from his inspection of the evidence which unquestionably raised his unbounded contempt? The genesis of Bentham's thoughts on religion, as we have seen, no doubt involved a combination of these things, but as regards his peculiarly narrow focus there can be discerned a direct relation between his neglect of the spiritual foundations of religion and the methodological techniques he employed to unearth and sift through the evidence. For example, it is the claim of the ecclesiastical mind, based on the assumption of human fallibility, that religious knowledge can only be grasped by faith and that this is only dispensed to man by virtue of God's grace. Now this is a matter that cannot be lightly by-passed when considering Bentham's approach to religion and his attitude to the knowledge revealed to man by revelation. Yet Bentham himself never discussed the role of faith. In an early manuscript of 1773 he endeavoured to define it, but it is a facile and hopelessly inadequate attempt in which faith is reduced to the 'merit' of believing the incredible: 'The greater the difficulty of doing any thing the greater the merit. The greater

the difficulty in believing a thing the greater the merit in believing it.' Such a train of reasoning taken to its limits, he thought, was calculated to produce the greatest extravagancies of credulity: ....<sup>97</sup>

On these terms faith is reduced to the outcome of stupidity or of ignorance of the real workings of the world, and Bentham clearly embraced this conclusion. The critical mind which begins by thinking and not believing and requires that there be empirical evidence that can be tested and verified before anything be accepted as final, is clearly not one that feels comfortable with 'faith'.

If the critical method of science be strictly applied to religion, then, is not the spiritual aspect of man's nature and of his beliefs thereby dissolved? Certainly the critical method will dissolve any false certainty upon which a man rests his religion, but rarely does logic affect the quality or power of religious feelings. In this dilemma lies both Bentham's failure to come fully to terms with the subject matter of his religious writings, and ultimately the failure of these writings to make their mark as serious contributions to the literature on theological matters. Of course, he did not think of himself as writing theology and would be appalled if his religious works were accepted as such. But this cannot excuse the fact that whenever he touched on religion in its more sublime and subtle aspects his criticisms are unsatisfactory. Characteristically Bentham could only admit that religious beliefs such as that in the 'fall of man' were incomprehensible to him. He was singularly incapable of understanding that such religious teachings can be and are held by many regardless of the conclusions of rational science, that they are beyond the realm and thus not open to the criticisms of scientific reasoning. Opponents

of the empirical approach to questions of religion, like F.D. Maurice, rejected it on the grounds that it only built a barrier to human communication with God, for the idea that there is no knowledge but that which comes through the senses leaves no room for the notion of communion between the Divine Word and the heart and conscience of men.<sup>98</sup>

John Colls believed that the source of Bentham's atheism lay in an overfondness for 'the intellect' and the refusal to listen to 'the heart'.<sup>99</sup>

Even Hume was aware of the limitations (perhaps I should say 'the certain consequences') of applying the methodology of natural science to questions of a religious nature. 'Our most holy religion', he acknowledged, 'is founded on faith, not on reason; and it is a sure method of exposing it to put it to such a trial as it is by no means fitted to endure'.<sup>100</sup> The notion that a science of society, including its religious aspects, could be built upon the same principles as those of natural science was rejected by Carlyle for essentially this reason. Logic and science, he claimed, were leading British philosophers into 'the barren wastes of materialism' and blinding them to the realities of life. The fundamental problem is that the methods of natural science cannot be used to investigate the invisible world of the human spirit which makes men what they are:

In the field of human investigations, there are objects of two sorts: First, the visible, including not only such as are material, and may be seen by the bodily eye; but all such, likewise, as may be represented in a shape before the mind's eye, or in any way pictured there: And secondly, the invisible, or such as are not only unseen by human eyes, but as cannot be seen by any eye; not objects of sense at all; not capable, in short, of being pictured or imagined in the mind or in any way represented by a shape either without the mind or with it.<sup>101</sup>

The gap between the two levels of discourse is an unbridgeable chasm; empiricism can tell us nothing about that which is not amenable to empirical analysis and, therefore, it is an inappropriate method to use in relation to spirituality. It was left to Coleridge to draw the conclusion that the empirical method leads by strict logical consequence to atheism.<sup>102</sup>

That the materialism of the natural sciences entails a bias against the claims of religion is clear, but this is not the sole source of the deficiencies of Bentham's analysis. The problems caused by materialism are compounded by the particular theory of language that he employed. This notion of language is characterised by its descriptive function; language is treated as primarily descriptive of an objective natural order. Words can only be described as true in so far as they correspond to the reality or the facts they are employed to represent. As Northrop Frye says, according to this conception of language 'a true verbal structure is one that is like what it describes'.<sup>103</sup> Reality is first 'known' and then represented by language. There is no reality beyond sense experience and therefore no reality beyond the language that describes that reality. All propositions can be tested, disproved or verified against this reality. Frye rationalizes the importance of this theory of language for religion as follows:

In a conception of language where no premises are beyond scrutiny, there is nothing to stop anyone from returning to square one and the question: Is there a God? What is significant about this is that the answer ... can only be no, because any questioning beginning with "is there" is, so to speak, already an ungodly question, and "a god" is for all practical purposes no God.<sup>104</sup>

The consequence is that, not amenable to perception and therefore 'unknowable', 'God' is 'linguistically unfunctional', except when employed in a historical sense or when used to describe other, presumably pre-scientific, belief systems. By extension, when rigidly adhered to, all questions of a religious nature are unmeaning within this conception of language: for all intents and purposes God, the soul, faith, grace, and all other features of man's spiritual life, are illusions that have no existence in reality. This is how matters stood for Bentham. But the inability of a language to apprehend certain human experiences does not thereby testify to the unreality or non-existence of those experiences. Frye refers to this fallacy as one of 'misplaced concreteness',<sup>105</sup> and there is a certain satisfaction in being able to charge the arch-exposer of fallacies with the perpetration of one of his own.

There is, however, another dimension to the problem of 'misplaced concreteness' in Bentham's thought; it stems from the fact that he appears to have held knowledge, certainly all useful knowledge, as being coextensive with the knowledge provided by the techniques of natural science. It never occurred to him that this was to circumscribe knowledge unduly, nor that the knowledge so supplied exists itself only by virtue of its connection with knowledge which is extra- or pre-scientific. How can a person know that the methods of natural science are the only ones that lead to truth? This is certainly not a proposition of the kind that can be tested. As one theological writer has pointed out, only 'critical common sense' can decide whether all our trustworthy knowledge is scientific knowledge or not, and it is on this that the last word about the truth of the principles presupposed in natural science ultimately rests.<sup>106</sup> The knowledge acquired by the methods of experimental

science is not the whole or even the most important part of man's knowledge, since it presupposes as its basis a wider area of knowledge without which it is itself impossible. The assertion that the techniques of natural science do not provide any grounds for belief in God, even if this were true, would not therefore rule out the possibility that extra-scientific knowledge may provide sufficient justification for theistic belief.<sup>107</sup>

My final criticism follows from the dichotomy between truth and utility that is harboured in Bentham's method. Occasionally he attempted to overcome this by claiming that truth and utility were one and the same, but in his heart of hearts he knew that this was not so. That some useful doctrines are false should surprise no one. We are reminded of Voltaire's caution to his guests not to talk irreligion in front of the maid lest the order of society be overthrown, it commonly being assumed at that time that any collapse of faith would destroy the sanctions of morality. But the consequences for religion of a theory which regards utility and not truth as the important characteristic of a belief or practice are disastrous, and Bentham was fully aware of this. He showed a complete disregard for the status of religious beliefs as early as his earliest scribblings on religious matters (c. 1773):

When instead of proving that their tenets are more conducive to peace and utility than their opposites, men betake themselves to declamations on the (beauty and) necessity of Religion in general, I desire them to take notice, that they have abandon'd the cause for which they are contending ...<sup>108</sup>

Whether there be three persons in the divine nature or one or more, and whether Grace be exalted above free-will or vice-versa are problems, Bentham claims; unresolvable in theory and whose solution is unimportant in practice.<sup>109</sup> These questions, like all other questions



where the peace and safety of the state is not at risk, are futile:<sup>110</sup>

it is one thing for a proposition to be true, and another for its being necessary for us to concern ourselves about it -- the dwelling upon a mystery tho' true from whence no practical consequences are deducible, may ... weaken a Religion, and the passing it by unnoticed though true, can be productive of no bad consequences.<sup>111</sup>

This dichotomy of truth and utility lay at the heart of the "no man's land" between the philosophies of Bentham and Coleridge. Bentham believed that certitude might be secured by scientific analysis, but Coleridge insisted that we can never settle the question of whether an opinion is true or not upon abstract grounds, as if it could be divorced from the context of humanity. The intellect, he argued, possesses two faculties: understanding and reason. The first judges of phenomena ('the appearances of things') and generalises from these; the second perceives things intuitively and recognises truths not open to the perception of our senses. Experience is not disregarded, indeed it lies at the root of all that we know, but it is not to be understood in the narrow Benthamic manner. J.S. Mill paraphrased this Coleridgean notion of the role of experience as follows:

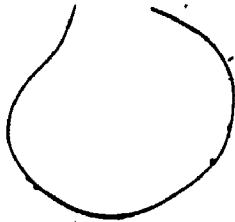
The appearances in nature excite in us, by an inherent law, ideas of those invisible things which are the causes of the visible appearances, and on whose laws these appearances depend: and we then perceive that these things must have pre-existed to render the appearances possible ...<sup>112</sup>

Among the truths which we can know a priori (occasioned by experience, but not themselves the subjects of experience) are the fundamental doctrines of religion and morals, the principles of mathematics, and the ultimate laws of physical nature. These cannot be proved by experience, but of necessity must be consistent with it or it must be consistent with them, and if they could be known perfectly then we could

perfectly account for all that we observe and predict all that is as yet unobserved.<sup>113</sup> In short, we would be God. In contrast Bentham reached no higher than the useful, and one must wonder about the credibility of a theory that shuns truth or welcomes it only as a kind of supporting argument for the worth of something according to some other principle. But Bentham was no sceptic. He did not doubt, he denied. The sceptic, if he is consistent, doubts everything; Bentham denies that which contradicts what he considers sound empirical knowledge. Nor was he completely negative. True, he looked forward to the day when religion would count for little in morals or politics, but the destructiveness of his critical mind is tempered by his purpose, which was to dispose of false or inadequate notions in order that better ones may take their place. His intention was to clear the way for new construction. For faith in revelation and God's benevolence he substituted faith in reason, defined as the authority of science, the foundation upon which he would build his rational secular Utilitarian society.

To conclude, then: the relationship between Bentham's understanding of the methodology of natural science and his own religious beliefs or unbelief is manifest at every turn. He assumed that experience and reason are trustworthy guides in all fields and that of religion was no exception. Theology he thought was the mere ignorance of natural causes reduced to a system. Knowledge of nature he knew would destroy religion; his purpose was to eradicate the supposed evils fostered by theistic ideas in the realms of morals and politics. In a word, scientific knowledge was the one thing needful for the happiness or well-being of man. But if reason was to rule then religion had to

be demoted from its privileged position not only in public life but also in the hearts of men. Whether such a perspective necessarily leads to atheism is perhaps debatable, but that Bentham sought to replace religion with utilitarianism is not.



## Chapter IV: Footnotes

<sup>1</sup>Peter Gay, The Enlightenment. An Interpretation (2 vols. New York 1977), vol. I, pp.27, 160.

<sup>2</sup>See C.B. Roylance Kent, The English Radicals (London 1899), p.169.

<sup>3</sup>Everett, The Education of Jeremy Bentham, p.35.

<sup>4</sup>Mack, Jeremy Bentham, An Odyssey Of Ideas, pp.304-5.

<sup>5</sup>'What is known as Utilitarianism, or Philosophic Radicalism, can be defined as nothing but an attempt to apply the principles of Newton to the affairs of politics and morals.' Halevy, The Growth Of Philosophic Radicalism, p.6. 'Bentham hoped for no less an achievement than to become the Newton of the moral world.' Stephen, The English Utilitarians, vol. I, p.179.

<sup>6</sup>U.C. Box 5/23.

<sup>7</sup>A Fragment On Government, p.393..

<sup>8</sup>J.S. Mill, 'Bentham' (1838), p.83. It was the view of Sydney Smith that Bentham 'loves method itself, more than its consequences'. From a review of 'The Book of Fallacies', Handbook Of Political Fallacies, appendix, p.261. Even Michael Oakeshott in an otherwise disparaging essay on 'The New Bentham' conceded that he was 'a master of detailed analysis'. Scrutiny, No.1 (1932-33), p.116.

<sup>9</sup>David Hume, A Treatise Of Human Nature (1739, 1740), ed. L.A. Selby-Bigge (Oxford 1973), introduction, pp.xv-xvi. It is my intention in this and the following chapter to deal only selectively with the sources of influence and inspiration for Bentham's secular social science. For a more detailed discussion see Douglas G. Long, 'Physical Sciences and Social Sciences: The Case Of Jeremy Bentham', in Proceedings Of The Canadian Political Science Association Annual Convention (1975).

<sup>10</sup>U.C. Box 69/1, 'Crit. Jur. Crim.'

<sup>11</sup>Works, vol. VIII, p.201.

<sup>12</sup>U.C. Box 69/11-12 (c. 1774), 'Crit. Jur. Crim.'

<sup>13</sup>'Essay On Logic', Works, vol. VIII, p.238. 'Observations and experiment - in these ... may be seen the sources of all real knowledge.' Chrestomathia, *ibid.*, p.116. In a similar pronouncement Bentham writes: 'Experience, observation, and experiment - these are the foundations of all well-grounded medical practice: experience, observation and experiment - such are the foundations of all well grounded legislative

practice.' 'Pannomial Fragments', Works, vol. III, p.224. Mary Mack brings out the parallels between Bentham's theory of legislation and the practice of medicine to good effect in Jeremy Bentham, An Odyssey Of Ideas, Ch.6.

<sup>14</sup>Chestomathia, p.76.

<sup>15</sup>JB to John Anderson (12 July 1784), Correspondence, vol.III, Letter 508, p.293.

<sup>16</sup>Mack, Jeremy Bentham, An Odyssey Of Ideas, pp.151-2.

<sup>17</sup>U.C. Box 96/111.

<sup>18</sup>U.C. Box 69/155.

<sup>19</sup>U.C. Box 69/177 (c. 1773), quoted by Mack, Jeremy Bentham, An Odyssey Of Ideas, p.152. In a later manuscript (c. 1775) Bentham described his definition of metaphysics as the science of the meaning of words, and credited Helvetius with its invention. U.C. Box 27/1.

<sup>20</sup>'Essay On Logic', p.261.

<sup>21</sup>Bentham was unlike D'Alembert in other ways. According to his most recent biographer, D'Alembert was much more closely concerned with scientific method and the problems of knowledge, than with problems of immediate social or political interest. He 'devoted very little energy ... to the real political and social concerns of France, and even the little that he published on morality was very abstract and stated with caution. His anti-clericalism was an honest conviction, but he seldom spoke out on political issues', partly from caution, but also partly from a lack of real interest.' Thomas L. Hankins, Jean d'Alembert. Science And The Enlightenment (Oxford 1970), p.14.

<sup>22</sup>Condillac, Oeuvres Philosophiques, ed. Georges Le Roy (33 vols. Paris 1947-51), vol. I, p.105, quoted by Hankins, *ibid.*, p.111.

<sup>23</sup>*ibid.*, p.101, quoted Hankins, Jean d'Alembert, p.111.

<sup>24</sup>Quoted Hankins, *ibid.*

<sup>25</sup>D'Alembert's interest in the reform of scientific terminology led him to plan a dictionary with the professed intention of removing what he considered to be logical errors in the language that kept it from becoming an infallible instrument of reason. *ibid.*, p.112.

<sup>26</sup>Condorcet, Oeuvres De Condorcet, ed. A. Condorcet O'Connor and M.F. Arago (12 vols. Paris 1847-9), vol. IV, pp.271-2, quoted by Hankins, *ibid.*

<sup>27</sup> *ibid.*, vol. I, p.392, quoted by Hankins, Jean d'Alembert, p.145.

<sup>28</sup> Bentham's Commonplace Book (1774-75), Works, vol. X, p.75. Ogden has commented with much truth that 'No thinker has ever been less at the mercy of words, or more insistent on warning us against linguistic fallacies.' The Theory Of Legislation, introduction, p.xii. It is no part of my concern to provide an exhaustive analysis of the nature and problems of Bentham's theory of language, only to discuss these as they relate to his thoughts on religious matters. For a fuller discussion see John Wisdom, Interpretation And Analysis In Relation To Bentham's Theory of Definition (London 1931).

<sup>29</sup> JB to Samuel Bentham (6 Dec. 1774), Correspondence, vol. I, Letter 126.

<sup>30</sup> U.C. Box 69/158 (c. 1776), 'Preparatory Principles'.

<sup>31</sup> U.C. Box 27/45, quoted by Long, 'Physical Sciences And Social Sciences', p.15.

<sup>32</sup> U.C. Box 69/144 (c. 1776), 'Preparatory Principles'.

<sup>33</sup> See Introduction, introduction, p.xxxviii.

<sup>34</sup> U.C. Box 69/60, analysis of a pamphlet by Richard Hey entitled 'Observations On The Nature Of Civil Liberty'.

<sup>35</sup> U.C. Box 69/172, 'Preparatory Principles', p.334.

<sup>36</sup> U.C. Box 69/194, *ibid.*, p.428.

<sup>37</sup> 'Essay On Logic', pp.230-1. <sup>38</sup> *ibid.*, p.221.

<sup>39</sup> Logic for Bentham was not the usually accepted notion of it as a formal science. He defined it as 'the art which has for its object, or end in view, the giving to the best advantage, direction to the human mind, in its pursuit of any object or purpose, to the attainment of which it is capable of being applied.' If there be any doubt as to his intention here Bentham clarifies the matter in his first 'characteristic' of logic: the end or object of logic is 'well-being', thus logic is a guide to action which has for its ultimate end a strictly utilitarian object. Method, then, is the 'prime-minister' to 'Queen' Logic in Bentham's utilitarian philosophy. *ibid.*, p.219, 221-2, 261.

<sup>40</sup> Handbook Of Political Fallacies, p.188.

<sup>41</sup> 'Nomography', Works, vol. III, p.286. D'Alembert wrote: 'How many questions and how much trouble we would spare ourselves if we finally determined the meaning of words in a clear and precise way.' Preliminary

Discourse To The Encyclopédia Of Diderot (1751), trans. by Richard N. Schwab (New York 1963), p.40.

42 'Nomography', p.286.

43 U.C. Box 69/170, 'Preparatory Principles', p.327.

44 'Anarchical Fallacies', Works, vol. II, p.501.

45 U.C. Box 69/170, 'Preparatory Principles', p.328.

46 U.C. Box 69/139, *ibid.*, p.201.

47 U.C. Box 106/2-3.

48 A Fragment On Government, Works, vol. I, p.235n. That Bentham's experiences with ghosts no less than his familiarity with legal fictions 'can be shown to have played their part in determining the intensity and pertinacity of his researches' is the argument of a substantial part of Ogden's introduction to Bentham's Theory Of Fictions.

49 'Nomography', appendix, p.286.

50 Of Laws In General, ed. H.L.A. Hart (London-1970), p.284.

51 *ibid.*, p.251.

52 'Essay On Logic', p.262.

53 'A Fragment On Ontology', Works, vol. VIII; p.195.

54 *ibid.*

55 *ibid.*, p.196.

56 *ibid.*, pp.196-7.

57 *ibid.*, p.197.

58 *ibid.*, p.198.

59 *ibid.*, p.197.

60 *ibid.*, p.199.

61 *ibid.*, p.198.

62 *ibid.*, p.199.

63 'Nomography', appendix, p.293.

64 *ibid.*, p.290.

65 'Essay On Logic', p.246.

66 *ibid.*, p.247.

67 'A Fragment On Ontology', p.196.

<sup>68</sup> *ibid.*, p.196n.

<sup>69</sup> *ibid.* However, Bentham hedges by also speaking of God as an 'inferential Being' and also as the name of a 'real' entity. Even so he is clear that the notion of the 'act' or 'will' of God is a fictitious entity. *ibid.*, p.208.

<sup>70</sup> U.C. Box 5/18 (1773).

<sup>71</sup> 'Essay On Logic', p.249.

<sup>72</sup> *ibid.*, p.250.

<sup>73</sup> *ibid.*

<sup>74</sup> *ibid.*

<sup>75</sup> *ibid.*

<sup>76</sup> *ibid.*, pp.250-1.

<sup>77</sup> Chrestomathia, Appendix IV, 'Essay On Nomenclature And Classification', pp.63f. See also 'Essay On Logic', pp.266-70.

<sup>78</sup> John Hill Burton described the 'Dichotomous or Bifurcate Plan' in these terms: 'It is only by division into two parts that logical definition per genus et differentiam can be accomplished. The species is marked off by its possessing the quality of the genus, and some differential quality which separates it from the other species of that genus. It is only by an expression of a difference as between two, that thought and language enable us to say whether the elements of the thing divided are exhausted in the dividends. We can only compare two things together - we cannot compare three or more at one time.' 'Introduction To The Study Of The Works Of Jeremy Bentham', Works, vol. I, p.82.

<sup>79</sup> 'Essay On Logic', p.251.

<sup>80</sup> *ibid.*,

<sup>81</sup> Houghton, The Victorian Frame Of Mind, p.94.

<sup>82</sup> Howlett, The Critical Way In Religion, p.18.

<sup>83</sup> *ibid.*, p.4..

<sup>84</sup> *ibid.*, pp.9-10.

<sup>85</sup> *ibid.*, p.59.

<sup>86</sup> Handbook Of Political Fallacies, p.26.

<sup>87</sup> Howlett, The Critical Way In Religion, p.102.

<sup>88</sup> *ibid.*, p.59.



<sup>89</sup> 'Essay On Language', Works, vol. VIII, p.321.

<sup>90</sup> U.C. Box 99/121 (c. 1795), quoted by Douglas G. Long, Bentham On Liberty. Jeremy Bentham's Idea Of Liberty In Relation To His Utilitarianism (Toronto 1977), p.138.

<sup>91</sup> Howlett, The Critical Way In Religion, p.173.

<sup>92</sup> Mill, 'Bentham', pp.78-9.

<sup>93</sup> Chrestomathia, p.13.

<sup>94</sup> U.C. Box 87/25, 58, quoted by Long, Bentham On Liberty, p.138.

<sup>95</sup> From Bentham's Commonplace Book of the years 1778-85, Works, vol. X, p.144.

<sup>96</sup> *ibid.*

<sup>97</sup> U.C. Box 5/15.

<sup>98</sup> F.D. Maurice, The Kingdom Of Christ (1838), pp.44-45, cited by J.B. Schneewind, Sidgwick's Ethics And Victorian Moral Philosophy (Oxford 1977), p.98.

<sup>99</sup> Colls, Utilitarianism Unmasked, p.3.

<sup>100</sup> David Hume, An Inquiry Concerning Human Understanding (1748: Indianapolis and New York 1955), p.120.

<sup>101</sup> Thomas Carlyle, 'The State Of German Literature', Edinburgh Review, vol. 46 (Oct. 1827), p.339, quoted by Currin V. Shields (ed.), An Essay On Government (1820: New York 1955), introduction, p.23.

<sup>102</sup> J.S. Mill, 'Coleridge' (1840), Collected Works, vol. X, p.127.

<sup>103</sup> Northrop Frye, The Great Code. The Bible And Literature (New York 1982), p.13.

<sup>104</sup> *ibid.*, p.16

<sup>105</sup> *ibid.*, p.17.

<sup>106</sup> A.E. Taylor, Does God Exist? (London 1945), p.17.

<sup>107</sup> *ibid.*, p.20.

<sup>108</sup> U.C. Box 96/299, 'Subscription'.

<sup>109</sup> U.C. Box 96/292, *ibid.*

<sup>110</sup> U.C. Box 96/296, *ibid.*

<sup>111</sup>U.C. Box 96/294, *ibid.*

<sup>112</sup>Mill, 'Coleridge', p.126.

<sup>113</sup>*ibid.* One of the most intriguing items of Benthamiana is a copy of Not Paul, But Jesus in the Library of University College, London with copious annotations believed to be in the hand of Coleridge. It is another indication of the lack of interest in Bentham's religious writings that these annotations have neither been transcribed nor analysed.

## CHAPTER V

### RELIGION, ETHICS AND LEGISLATION

Given the theoretical principles of Bentham's social science as they developed in the 1770's, the materialism, the nature of his logic and theory of language, there is a sense in which his views on religion were always going to be what in fact they turned out to be. Though it was his passion for reform that eventually led him to make public his animosity to official religion and its doctrines, the character of his critique was largely determined by the methodological approach he employed. His frustration over the establishment's refusal to adopt his reforms merely induced him to publish in systematic form views he had held for some time, but which for tactical reasons he had refrained from making public. Despite all this, however, it is not true that Bentham's religious radicalism lay condemned to the pages of unread manuscripts for over forty years, as is implied by the arguments of Mary Mack and James Steintrager, only to surface as an ingredient in the radical political attack of the second decade of the nineteenth century. In the early published writings on ethics and legislation there are abundant indicators of Bentham's secular inclinations. His critique of religion in these works was typically of a radical nature and there is no question that he was there mapping out an entirely secular science of society. He set out to establish that as an agent of moral welfare religion is inadequate, not to say pernicious, and that we should look to legislation to replace it as the principal means to harmonising the interests of society in order to produce the greatest happiness. In this chapter I want to argue that this critique of religion in the

writings on ethics and jurisprudence was an integral feature of the development of Bentham's 'legislative' version of the utilitarian doctrine, and that as such it constituted a necessary step in the formation of his entirely secular social science, according to the principles of which the future Utilitarian society was to be organised. Far from being a product of his later adoption of the democratic cause, therefore, religious radicalism not only chronologically but logically preceded the radically secular character of the later political thought.

As we have seen Bentham's attentions were focused on religious affairs primarily in two periods or phases of his life, from 1773 to 1782, and from 1809 to 1823. In the early period he wrote A Comment On The Commentaries (largely completed 1774-5, with additions 1776-7, but not published until 1928), A Fragment On Government (1776), and An Introduction To The Principles Of Morals And Legislation (printed 1780, published 1789).<sup>1</sup> In these works and in other manuscripts which date from this time, most notably those headed 'Critical Jurisprudence Critical' and 'Preparatory Principles', Bentham struggled to confine his thoughts on religion to a critical, but generally restrained (when compared with the later works), appraisal of the traditional relationships between religion, ethics, and legislation. For the most part religion is here viewed apart from ecclesiastical establishments, though there is some trace of the anti-clericalism which pervades the later religious publications. With the notable exceptions of the preface to Le Taureau Blanc and the unpublished fragments on subscription and related topics, Bentham at this time refrained from any overt criticism of the Established Church. Even so, the basic denial of the truth of religion is transparent from the

beginning, and it is this which lies at the heart of his religious radicalism.

The second and later phase is the period in which Bentham's views on the Church and on the nature of religion generally reached a final form and were published at great, not to say excruciating, length. It is the period in which he wrote Swear Not At All (printed in 1813, published 1817), Church-Of-Englandism (printed 1817, published 1818), Analysis Of The Influence Of Natural Religion (1822), and Not Paul, But Jesus (1823). In these works Bentham launches a massive strike at all the various manifestations of Church influence, both spiritual and temporal. No longer content to confine himself to the particular theoretical deficiencies of religion as an agency of moral welfare, he now encompasses in his critique Church institutions and practices as well as fundamental Christian beliefs. The test of utility is applied to both and the results are overwhelmingly negative.

What this pattern of development in Bentham's thoughts on religion indicates is the striking transformation that utilitarianism as a social philosophy underwent in his hands. For it has rarely been acknowledged that in the age before he wrote, as I have sought to show elsewhere,<sup>2</sup> utilitarianism was nurtured at the breast of the same Church that he came so much to revile.<sup>3</sup> Clergymen, such as John Gay, John Brown, Edmund Law, and William Paley, among others, throughout the century had expounded a version of utilitarianism which depended as much on orthodox Christian teaching as Bentham was to depend on empiricism, reason, and an abhorrence for metaphysics. The religious tenets of their ethics demanded belief in a benevolent God whose will is to be obeyed, in the immortal nature of the soul, and in a future day of

reckoning when virtue will be rewarded and evil punished. But the persuasive power of the theory had its source not in these beliefs alone, but in their succinct combination with the hedonist psychology as a prerequisite to understanding and manipulating human nature.

Preaching perfection and happiness as the indispensable criteria of the good life in this world and in the world to come, the principle of utility nestled comfortably in the proselytizing arms of the Church, and added substance to the claim that for the sake of the well-being of the community the privileged position of the clergy as the guardian of the nation's morals should be protected by the state.

It was principally as a consequence of the efforts of Bentham that the secular came to supplant the religious version of the doctrine of utility in the minds of Englishmen, and that utilitarianism came to be identified as a social philosophy opposed to the teachings of Christianity. A feature of this development, closely connected in the mind of Bentham with the application of the methods of natural science to social analysis, is the substitution of legislation for religion as the paramount agency for resolving conflict between the personal interests of private individuals and the general needs of society. This feature lies at the centre of my major theme in this chapter regarding the relationship between religion, ethics, and legislation in Bentham's thought.

John Brown (who earned high praise from no less than J.S. Mill for the ability with which he set out the doctrine of utility),<sup>4</sup> reasoned that legislation was inadequate to the task of motivating men to practise virtue, that is, to the pursuit of general happiness. He did not say that legislation was ineffectual altogether, but pointed out its limitations as

the foundation for a progressive system of ethics. In the Essays On The Characteristics Of The Earl Of Shaftesbury (1751) Brown recognised that laws endeavour 'by the infliction of Punishment on Offenders, to establish the general happiness of Society, by making the acknowledged Interest of every Individual to coincide and unite with the public Welfare'.<sup>5</sup> Nevertheless, laws, by their very nature, are fundamentally limited in what they can effect in the way of motivation. They can only govern the external actions of men, invariably leaving their inner thoughts untouched. As the impetus for benevolence must come from within, so virtue cannot depend on laws alone; a 'natural' or 'internal' motive is required, and this only religion can supply.<sup>6</sup> Religion, the law of God, and not human law, is the chief and essential support of morality; it supplies universally the ethical imperative to be good which legislation can provide only imperfectly. Men can only be uniformly convinced of their duty to pursue universal happiness by "the lively and active Belief of an all-seeing and all-powerful God, who will hereafter make them happy or miserable, according as they designedly promote or violate the Happiness of their Fellow-Creatures."<sup>7</sup> The harmony between the private interests of the individual and those of the public at large is here firmly based on the necessity that each man, according to the teachings of Christ, take into account in all his thoughts and deeds his own eternal happiness. As Paley was to remark:

A man who is in earnest in his endeavours after the happiness of a future state, has in this respect, an advantage over all the world: for, he has constantly before his eyes an object of supreme importance, productive of perpetual engagement and activity, and of which the pursuit (which can be said of no pursuit besides) lasts him to his life's end.<sup>8</sup>

The communal rewards of this doctrine are manifest. Each individual is responsible not only for his own spiritual well-being, but (toward this end) for the temporal well-being of everyone else with whom he comes into contact. For to 'be good' means that we actively pursue the happiness of others whenever it is within our power, for only by so doing can we secure our own happiness in the most encompassing sense of this term - eternal happiness.

Bentham described the difference between the object of his own ethical system and that of the 'religionists' in his *Commonplace Book* of the years 1781-85: 'The laws of perfection derived from religion, have more for their object the goodness of the man who observes them, than that of the society in which they are observed. Civil laws on the contrary have more for their object the moral goodness of men in general than that of individuals.'<sup>9</sup> There is a curious tension here between Bentham's nominalism with its regard for discrete entities and the emphasis he places on the abstract and collective, but the shift in focus indicated clearly distinguishes the central aim of his work from that of the 'theological' writers. Moreover, it heralded the approaching demise of the religious version of the doctrine of utilitarianism as a persuasive theory of morals.<sup>10</sup> For in the course of the attempt to prove the worth to society of a rational system of jurisprudence, founded on empiricism and nominalist logic, Bentham took great pains to discredit religion as a necessary motivational factor in effecting the occurrence of actions conducive to general happiness. In later life he articulated the essence of this intellectual reappraisal of the role of religion in society thus: 'How did I improve and fortify my mind? I got hold of the greatest happiness principle: I asked myself how this or that



institution contributed to the greatest happiness -- Did it contribute? -- If not, what institution would contribute to it?<sup>11</sup> The probing of the deficiencies of religion as an agency of social welfare in the work on ethics and jurisprudence was eventually to be complemented by the explicit political attack on the Church in the later works, but the connection between the interests of society and the legislative means to advancing these was present and prevalent from the first.<sup>12</sup>

This disdain for religion and emphasis on legislation had its source not only in Bentham's scientific method but also in two distinct areas of his early life: his personal experiences with religion and the influence of writers to whose thought he found himself most receptive. As we have seen, Mary Mack has claimed that Bentham's early brushes with religion at Oxford - the trauma of subscription to the Thirty-nine Articles, the hypocrisy of his fellow students, and the summary expulsion of his Methodist companions - lay at the bottom of his utilitarianism, and Bentham himself late in life lent this view some credence.<sup>13</sup> As an explanatory factor, however, it is limited. While it indicates Bentham's early disaffection with religion, it does not sufficiently explain the peculiar 'scientific' nature of his utilitarianism with its emphasis on the role of legislation. Attention is better directed to the intellectual influences and exemplars to which he was exposed as a youth; for it was these which gave form and direction to his immature thoughts and grievances. It was in the work of Hume, Helvetius, and Beccaria, amongst others - authors sympathetic to utility but of a very different cast of mind to Bentham's theological precursors - that he found principles of natural science employed as the foundation of social philosophy, and legislation mooted as the principal means to achieving

social felicity at the expense of the claims of theology.<sup>14</sup>

In the 1750's when Hume wrote the Natural History Of Religion (1757) and the posthumously published Dialogues Concerning Natural Religion (1779) he embarked on a far-reaching philosophical critique of the fundamental tenets of Christianity.<sup>15</sup> There is no evidence that the young Bentham had read these works, and I cannot say whether the older Bentham did either. What we do know, however, is that it was in Hume's Treatise Of Human Nature (1739; Bk III, 1740), which declared that all social inquiry should be based on the 'experimental Method of Reasoning', that Bentham found virtue equated with utility, as he himself tells us in A Fragment On Government:

That the foundations of all virtue are laid in utility, is there demonstrated, after a few exceptions made, with the strongest force of evidence: ...

For my own part, I well remember, no sooner had I read that part of the work which touches on this subject, than I felt as if scales had fallen from my eyes. I then, for the first time, learnt to call the cause of the people the cause of Virtue.<sup>16</sup>

Bentham goes on to say that he could not see any more than Helvetius the reason for Hume's exceptions to this rule, but (despite what one prominent commentator has said about the character of Hume's ethics)<sup>17</sup> this is understandable when Bentham's dogmatic utilitarianism is compared with the more sensitive handling of the logic of moral judgement set out by Hume. At the same time Bentham could not help but be impressed that here Hume ignored God and religion altogether. The first assumption of Hume's science of politics is that the nature of man is uniform; everyone is governed in the public realm, whether acting alone or in combination, by self-interest. It is the task of the legislator to draw up plans to balance the interests that are advanced among the nation's citizens for the general good of the community. This being the case the nation's

capacity to survive in an orderly and virtuous condition depends upon its institutions. Just as the 'tumultuous governments' of classical Athens were due to 'defects in the original constitution', so the stability of modern Venice is firmly grounded on the orderly form of its government.<sup>18</sup> Constitutions, government institutions, and legislation are for Hume the primary determining factors of the moral and political welfare of the state. It is these structural arrangements which give it order and upon which the comfort and well-being of its citizens depend. Religion, therefore, will only be of incidental interest for the political inquirer anxious to provide a scientific study of political life. What the legislator will learn from this science is that, on the basis that there exists a certain regularity between causes and effects, 'wise regulations in any commonwealth, are the most valuable legacy that can be left to future ages.'<sup>19</sup>

The science of man, then, for Hume underlay all moral reasoning. Theology was no longer to be enlisted to explain natural phenomena where common sense could supply cogent explanations based on other principles, and the criterion for assessing the moral worth of actions was to be not God's will but the happiness of people and usefulness to the community. Critical judgement based on observation and experience was to be substituted for blind faith and superstitious fancies. The rewards and punishments of futurity play no part in Hume's scheme of ethics; social morality is utilitarian and secular.

Helvétius wrote in the same spirit of secularized positivism. Bentham was always loud in his praise of Helvétius' refusal to compromise his scientific principles by making concessions to theology. 'What Bacon was to the physical world, Helvétius was to the moral', is a typical pronouncement from Bentham.<sup>20</sup> But if Bacon was a philosopher dedicated to

understanding the intricacies of a world divinely ordered by the hand of God, Helvétius was just as keen to keep theological considerations out of the matter. He not only dispensed with religion but condemned it bitterly. With the spectre of the Jesuits before him, he was virulently critical of the role hitherto played by religion in moral life.<sup>21</sup> Those 'of more piety than knowledge', he declared, who argue that the virtue of a nation, its humanity and refinement of manners depend on the purity of its religious worship are 'hypocrites', and sadly 'the common part of mankind' have believed them 'without examination'. All experience and history show that the prosperity and virtue of a nation depends on the excellence of its legislation and little else. Religion is not merely ineffectual in the pursuit of happiness, it is an obstacle to it. 'What does the history of religions teach us? That they have every where lighted up the torch of intolerance, strewed the plains with carcasses, embued the fields with blood, burned cities, and laid waste empires; but they have never made men better'. The 'true doctors of morality' are not the priests but the magistrates, since only 'sagacious laws' can produce 'universal felicity'.<sup>22</sup>

Beccaria's On Crimes And Punishments was another great influence upon the young Bentham. Upon reading it he was moved to write: 'Oh, my master, first evangelist of Reason ... you who have made so many useful excursions into the path of utility, what is there left for us to do? - Never to turn aside from that path.'<sup>23</sup> Principally concerned to censure the legal systems of the age, but perhaps mindful too of the persecution that was the reward of 'unbelievers' who dared to publish their heresy, Beccaria refrained from considering religion. He mentioned it as one of the three sources, together with 'natural law'

and the 'established conventions of society', of the moral and political principles that govern men's lives.<sup>24</sup> However, by concentrating upon the 'established conventions' Beccaria's aim was to apply systematically the principles enunciated by Helvétius, and specifically those regarding the nature of man and the role of legislation. In the course of doing so, he made much of, and expressed almost word for word, the utilitarian formula of 'the greatest happiness of the greatest number', later popularised by Bentham, as the criterion for evaluating the measures of the legislator.<sup>25</sup>

By the year 1776, then, as he himself testified in the early correspondence and in the later memoirs, Bentham had before him the basic principles of his system.<sup>26</sup> In an unpublished manuscript of this time he writes that the fewer the principles to which a science can be reduced the nearer it is to perfection, and that before Helvétius and Beccaria the principles of morality and censorial jurisprudence were many:

Happily this is the case no longer. Beccaria has with an applause that in this country seems to be universal, Beccaria has established ... for ... censorial Jurisprudence, as Helvétius for morality in general as an all commanding principle the principle of utility. To this then all other ... principles that ... can be proposed, if legitimate ... stand in subordination: ... any one ... which cannot is to be ... cast out as spurious.<sup>27</sup>

And cast out as spurious religion was to be. Drawing freely upon the work of Hume, Helvetius, and Beccaria, Bentham, at least in the early years, examined religion with a critical eye - if muted voice. From the first, however, his disdain for religion was paralleled by and ultimately connected with his belief that the role of the legislator should be paramount in all matters of social felicity.

Nor should theology, natural or revealed, be mixed with jurisprudence since this lent the latter a sanctimonious air which was an obstacle to reform. This argument was central to Bentham's early work on Blackstone's Commentaries On The Laws Of England (1765-69).

Blackstone, 'nurtured in the Sanctuary of religion' (i.e., Oxford), could not see his way to criticize the legal system he purported to analyse. He saw only what is and nothing of what might or should be. His is a work of exposition unavoidably full of the fictions and fallacies with which its subject matter is itself fraught.<sup>28</sup> According to Blackstone the Law of Revelation is included in the general concept of the Law of Nature, and 'no human laws are of any validity if contrary to this; and such of them as are valid derive all their force, and all their authority, mediately or immediately, from this original'.<sup>29</sup>

Bentham condemned such philosophising as a confusion of discredited theories. To say that human laws which conflict with the Divine Law are not binding, that is to say, are not laws, is to talk nonsense, and Natural Law is itself 'nothing but a phrase'.<sup>30</sup> To Bentham neither revelation nor the idea of God were of service in solving moral or political problems. He argued that it is a thousand times easier to say even what the Common Law is than it is to say what is the Divine Law gleaned from the Scriptures.<sup>31</sup>

From a very early date, then, Bentham was convinced of the disutility of religion in a rational system of jurisprudence. In the manuscript pages of 'Critical Jurisprudence Criminal', a surprising number of which are devoted to analysis of the religious sanction, he wrote: 'Religion is a source from whence the Legislor hitherto at least has drawn & continues to draw more mischief than he ... has benefit.' And to the objection

that Divine Justice serves a higher end than Human Justice he replies:

'The only merit of Human Justice is its subserviency to Human Happiness.

If Divine Justice has not that merit, what has it?'<sup>32</sup> And again,

considering the delay and uncertainty of the supposed rewards and punishments of the religious sanction, he declares:

I protest against the embarrassing this or any other political question with theological considerations. I ... lay myself at the feet of one of the most illustrious fathers of our Church,<sup>33</sup> for I aver with him that the happiness of this life is the only proper object of the Legislator.... Unlike Godman's knowledge is confined to experience, hence he has knowledge only of what has been and what is, and nothing of what will be.<sup>34</sup>

By 1780 Bentham's views on the obstacles posed by religion to a rational system of legislation were complete in all important details, and they stayed with him for the rest of his days. True to the spirit of Helvétius and Beccaria he announced that the principle of utility was the foundation of his system. Its object 'is to rear the fabric of felicity by the hands of reason and law', and the principal means to achieve this is through government, whose business it is 'to promote the happiness of the society by punishing and rewarding'. As nearly as legislation conforms to the calculations demanded by utility 'so near will such process approach the character of an exact one'.<sup>35</sup>

On these terms legal science is viewed as a means to a practical end, that is, to the beneficial reform of society. As surely as the prevailing legal system favours special privileges for the few at the expense of the happiness of the many, by changing the laws the evils of social life can be alleviated. The science of legislation must, therefore, be a study both of what the law is and of what the law ought to be. The first Bentham called 'expositional jurisprudence'; the second he referred to as 'censorial jurisprudence'. To augment know-

ledge is the function of the expositor; refining knowledge is the task of the censor. These two aspects of the science of legislation, however, are not clearly distinct: the process of enlightenment began for Bentham with the criticism of established ideas but, as Professor Long has pointed out, the censor in defending his own censorial stance becomes his own expositor. Hence Bentham's endeavour to perfect knowledge was to be achieved by a synthesis of the expository and censorial functions.<sup>36</sup> It is the special aim of the latter to provide an objective standard for evaluating the law as it is and spelling out what the law ought to be in order to conform to the nature of man. Accordingly in the Introduction Bentham recognised that religion was of some influence in the field of morals, but there can be little doubt that he believed that its influence should be entirely obliterated.<sup>37</sup> In the rational society, a society organised and governed according to the dictates of utility, religion is superfluous to ethics and need not be a consideration for the legislator. But Bentham does not confuse the censorial and expositional functions of his study; in the knowledge that conditions are not yet ripe for its eradication he includes religion in his list of sanctions (together with the physical, moral, and legal) at the disposal of the legislator. While it exists and has influence, while it is yet a factor in moral motivation, the legislator can and should make use of it. Where social evils are beyond the curative power of other sanctions the legislator might on occasion have recourse to the religious sanction. Such occasions were those of drunkenness (not then restricted by legislation), and any evil act where there were not witnesses, such as smuggling. Here supernatural fears and threats might be of some use. Like the moral the religious sanction can be considered an 'auxiliary' sanction which the



legislator can employ to supplement the work of the legal or political sanction. The pleasures and pains of piety, those 'that accompany the belief of man's being in the ... possession of the good-will or favour of the Supreme Being', or his 'being obnoxious to the displeasure of the Supreme Being', are useful weapons in the legislator's armoury.<sup>38</sup> On the other hand, acts induced by the religious sanction which do not tend to the advantage of society are to be restricted by law, for religion itself is only a good in so far as it is the auxiliary of virtue. Its punishments ought to be attached to those acts which are injurious to society, and to such acts alone, and its rewards to those which are advantageous to society. In short, its tendency ought to be conformable to the plan of utility. Though he was ready to make use of religion in the existing social system, then, Bentham's reasons were clearly not of a spiritual nature.

But what of acts offensive to religion which are not prevented by human laws? Bentham derisively suggests that such actions do not need the punishment of mere mortals, because God will punish all sinfulness by His wrath - only the impious claim the right of punishment in such instances. The misery occasioned by penal laws meant to maintain the religious beliefs of official or established religion for ever raised his ire. 'When, when, alas!' he asks in the manuscript pages of 'Critical Jurisprudence Criminal', 'will men cure themselves of the fond pretension of assisting the all-wise with their counsel, the almighty with their power?' Is it not written '"Vengeance is mine, saith the Lord."?'<sup>39</sup> Yet it cannot be denied that the clergy employ the religious sanction to great effect. The inculcation of the belief in the power of a supreme invisible being is useful in that it supplies

the deficiencies in point of efficacy of the religious powers of this world, who cannot see all the acts which require punishment, nor be sure that the punishment they do administer will always reach an offender.<sup>40</sup>

If only as a game of bluff, then, religion has its uses. But Bentham is not concerned for its supposed impact in the after-life, since 'this is a matter which comes not within the cognizance of the legislator.'<sup>41</sup> In this respect the religious sanction is an empty formula. Unlike the other sanctions which operate immediately in this world, the religious sanction holds out only an uncertain threat. The pleasures and pains of futurity cannot be 'known' in any certain or scientific sense of that term. Not being experienced in this life they cannot be observed, and as they are not observable it cannot be said that we can truly know any thing of them.<sup>42</sup>

Where the motives supplied by religion are efficacious they are at best 'semi-social' in the sense that their consequences reach only to the sect or society governed by the particular religion from which they emanate. On the whole, however, religion ranks last in the list of sources of efficacious motives because it is the least likely to coincide with utility. Only if God were universally supposed to be as benevolent as he is wise and powerful would the dictates of religion coincide in all cases with those of utility.<sup>43</sup> Too often, however, it is God's malevolence that is brought to view by the teachers of Christianity:

They call him benevolent in words, but they do not mean that he is so in reality. ... For if they did, they would recognise that the dictates of religion could be neither more nor less than the dictates of utility: not a tittle different: not a tittle less or more. But the case is, that on a thousand occasions, they turn their backs on the principle of utility.<sup>44</sup>

The clergy cannot be trusted to live up to the otherwise meritorious features of their faith. Too often they have applied the title 'Divine Justice' to dictates 'which could have no other origin than the worst sort of human caprice'.<sup>45</sup> Too often they invoke the name of God to achieve ends wholly contrary to His supposed benevolent will and pernicious to society. In language reminiscent of Helvétius Bentham chides the zealous advocates of Christianity with causing the 'sufferings of uncalled martyrs, the calamities of holy wars and religious persecutions, the mischiefs of intolerant laws ....'<sup>46</sup>

As a principle of ethics in the hands of its official professors, then, religion is found to be vague, theoretically deficient, and open to manipulation. In a direct attack on theological exponents of utility Bentham even argues that to unite this principle with religion is to apply it in a 'perverse' manner. It is perverse in the first place because it lends credence to religious asceticism as a bona fide moral life. In fact, asceticism can be said to have been Bentham's target from the beginning, and in religion he found its primary vehicle. Religious asceticism repressed man's quest for pleasure on the premise that the pleasures and pains of this life are nothing in comparison with those of the future state.<sup>47</sup> 'The greater the ... pleasures of a future life, the less ratio do the greatest possible pleasures or ... pains of the present bear to them'.<sup>48</sup> Motivated by the prospect of pain which is 'the offspring of superstitious fancy', the religious ascetic is led by fear to approve actions which diminish happiness and to disapprove those that tend to augment it.<sup>49</sup> Where the ascetic is not a 'fanatic' attempting to influence the happiness of others, religious asceticism is strictly a principle of private ethics and not therefore a subject for

legislation.<sup>50</sup> But if this principle should ever become general, if the world were peopled by religious ascetics, they would turn it into a hell.<sup>51</sup> For the motive supplied by religion produces worse secondary mischief than even the worst in Bentham's category of motives - ill-will. Because it is a more constant motive than ill-will (vengeance and anti-path) it is all the more dangerous. Wherever it gives birth to mischievous acts and becomes fanaticism, it will morally be more pernicious than even the most dissocial of motives. Religious asceticism it seems comes accompanied by a special intellectual blindness. The religious fanatic is not able to see that he is fighting against intellectual adversaries who 'think, or perhaps only speak, differently upon a subject which neither party understands'; he does not realize that there would be even more heretics if there were more thinkers.<sup>52</sup> Fanaticism, particularly religious fanaticism, 'never sleeps: it is never glutted: it is never stopped by philanthropy: it is never stopped by conscience: for it has pressed conscience into its service. Avarice, lust, and vengeance, have piety, benevolence, honour: fanaticism has nothing to oppose it'.<sup>53</sup>

The union of utility and religion is also 'perverse' because it deflects the science of morals from its true focus of study - the observation and calculation of pleasures and pains. In the preface to the Introduction Bentham writes that, 'There is, or rather there ought to be, a logic of the will, as well as of the understanding ...'<sup>54</sup> Philosophers from Aristotle down have neglected the former and directed their attentions to the study of the latter. That a science of law is absolutely dependent upon a logic of the will has completely escaped notice. In the several departments of law should be manifested the

rules by which the will is restrained and guided in its operations.<sup>55</sup>

The science of legislation is, therefore, founded on this logic, on the study of the connection between pleasures and pains and actions.

In essence this constitutes Bentham's real advance from the work of Helvétius. As one commentator has observed, 'his "logic of the will" was meant to be the social and moral equivalent of Newton's physical laws of motion: the core of a science of human nature upon which an entire catalogue of social sciences might be based'.<sup>56</sup>

For the 'theological utilitarians' the operations of the will are not to be understood in the same way. It is not how wisely legislation binds the will to its purpose, but how nearly the will conforms to God's laws that is important. In the truly Christian commonwealth the will of man would be neither wild nor aimless, but would naturally be directed to the fulfillment of God's purpose. In short, the human will becomes one with the Divine will. In the less perfect commonwealth the moral and legal sanctions serve their purpose, but of more weight should be the wrath of God, which is reserved for those who openly and deliberately flaunt His laws, for these, unlike those of society, are perfect, eternal, and immutably directed to the enduring happiness of mankind. Hence, the theological utilitarians reduced all forms of obligation to the religious. As John Gay expressed it, 'the will of God is the immediate criterion of Virtue and the happiness of mankind the criterion of the will of God'.<sup>57</sup>

Bentham's argument against this form of reasoning is founded upon his scientific methodology. The will of God, having no existence in reality that can be observed, is a fictitious entity. As he wrote in 1816, that 'such or such a thing is a cause of pain or pleasure is a

matter of fact and experience: that the use of it has been prohibited by the Deity, is a matter of inference and conjecture'.<sup>58</sup> In the Introduction he was equally clear that when moralists refer us to the 'will of God' their meaning is frequently confused, and this is not only a source of error but of positive evil. The revealed will of the Scriptures is too vague and subject to too great a range of interpretation to provide a general standard of ethics. What moralists usually settle for is 'the presumptive will: that is to say, that which is presumed to be his will on account of the conformity of its dictates to those of some other principle'.<sup>59</sup> But if this principle is not the general happiness of mankind in this life then it is nothing more than either the principle of 'sympathy' or 'antipathy' in some other shape.<sup>60</sup> The potential for evil lies in the fact that these principles - sympathy and antipathy - approve and disapprove of actions, not on account of their augmenting or diminishing happiness, 'but merely because a man finds himself disposed to approve or disapprove of them'. They provide no external criterion or 'extrinsic ground' for judgement; therefore, all is uncertain and unpredictable.<sup>61</sup>

Bentham was later to expose this evil in terms of the influence on the will of the citizen exerted by illegitimate, as opposed to legitimate, sources of authority in society. The influence of a Church which relies on interpretations of the 'will of God' and not utility to determine what is and is not admissible is certainly of an illegitimate kind, and where an ecclesiastical establishment has an influence in government the dangers to the comfort and well-being of the citizen are multiplied. However, Bentham's arguments concerning the redundancies of religious doctrines and their pernicious consequences when propagated

by an unscrupulous clergy are clearly stated in his writings on ethics and jurisprudence during the early period of his career. Entirely cynical concerning the value of religion to society he demanded that it be replaced as the central agency of moral control and social regulation. Hence, we find that his critique of religion is intimately related to his emphasis on legislation and the logic of the will as the only sure means for promoting human happiness. At the heart of this vision of the secular society stands the principle of utility, and Bentham never doubted that it was an appropriate standard by which to measure the worth of religion. In the manuscript pages of 'Critical Jurisprudence Criminal' he commended those writers who had gone before him in this:

A numerous tribe of anonymous writers in whom the acrimony they have shown in their attacks against religion in general, has been more conspicuous than any strength or regularity which they have display'd in the manner of conducting them, have mostly however had this merit in common, that they have professed to take this principle [utility] for their standard.<sup>62</sup>

To advocate the principle of utility as the ultimate standard of all policies is to advocate the eradication of the influence of religion over the minds of men and the demotion of official religion from its privileged position as the protected ally of government. Legislation is to hold centre stage. Its aim is to achieve the greatest happiness by bringing about the concurrence of private and public interests. Government must induce men into the right path by holding out the prospect of rewards and punishments for the adherence to, or infringement of, laws prescribed in order to create the conditions in which the greatest happiness can be achieved. All that is required is not faith in God or revelation, but trust in the methods of science and in the principle of utility.

This is how Bentham's social science would have looked to any one thoroughly acquainted with it in 1780. With its peculiar methodology, emphasis on the science of legislation and rejection of religion as the principal agency of moral welfare, it remained unchanging in all essential details to the end of his life. This understood, the chronological and logical development of his thoughts on religion can now be viewed in their correct light. Religious radicalism, heretofore thought to have been the product of Bentham's move to political radicalism in later life, was in fact there from the first and, therefore, precedes the period of his so-called conversion to democratic ideals by roughly forty years. In the unpublished work on subscriptions of 1773 he attacked the Established Church for perpetuating pernicious exclusionary practices, and in the preface to The White Bull one year later he took the opportunity to strike a few more blows at organised religion. More significantly, in the 1775 manuscripts for 'Critical Jurisprudence Criminal' and in the work for the Introduction in 1778-80, Bentham analysed in some detail the role of religion in ethics and jurisprudence and laid the groundwork for his entirely secular vision of the Utilitarian society. When he returned to the subject of religion in 1809 the character of his stance had undergone a tactical modification. Now, in tandem with his advocacy of democratic reforms, Bentham embarked on a wholesale attack on the Anglican religious establishment and its teachings, and this in a fashion hitherto deliberately avoided. Always aware of the deficiencies of religion as an agency of moral welfare and of the guilt of the clergy in perpetuating practices detrimental to the end of human happiness, he now came to accept and to openly avow that no significant constitutional or practical reforms could be achieved without the destruction of religion,



both as a dangerous form of history and as a powerful social institution. More particularly, Bentham viewed the Established Church as a 'state engine' legitimating the degradation, corruption, oppression, and hypocrisy of the age, and resolutely resisting all attempts to reform this system.

In taking this stand Bentham set himself in direct opposition to the social philosophy which had its source in the theological version of the doctrine of utility, and which had held sway in England for much of the previous century. For the regard for religious principles shown by the theological utilitarians in their defence of the established faith required of them that they seek not only the maintenance of the Church, but also the stability of the political establishment of which it formed a part. Each needed the other in order to survive, and to defend one was to defend the other. Religion was an essential ingredient in the formation of that public spirit upon which the well-being of the state depended,<sup>63</sup> and the Church without the support of the state was an institution in much danger. This union between religion and political life was nothing new to the English political tradition; in the eighteenth century it primarily manifested itself in the defence of the 'Warburtonian alliance' of Church and State which it became Bentham's dearest wish to sever.

Warburton's 'alliance' is a divinely sanctioned compact between two sovereign and independent powers based upon a sense of the support which each 'society' is to afford the other.<sup>64</sup> The interest of the state here lay in the practical utility and not in the abstract truth of religion. In order to maintain the authority of the Church restrictions were placed upon nonconformist religions by way of tests and subscription to the Thirty-nine Articles; these were thought essential to the existence of official religion.

Ignoring Warburton's fanciful discussions about the nature of the supposed 'compact' between the Church and State, John Brown and others followed his lead and justified the Established Church on the grounds of utility.<sup>65</sup> Paley, in particular, in sermons, pamphlets, and in his major work on The Principles Of Moral And Political Philosophy (1785), defended a host of practices and institutions on the grounds of utility. In 'A Distinction Of Orders In The Church, Defended Upon Principles Of Public Utility' (1783) he defended the English ecclesiastical establishment and particularly the role of the clergy.<sup>66</sup> In the Principles he defended the rights of property and contract as then stipulated by law; the right of Bishops to sit in the House of Lords; the need for oaths of allegiance and for subscription to the Thirty-nine Articles; and the need to reinforce the duty of submission to civil government (invoking Scripture here to support his arguments from utility).<sup>67</sup> Finally, in a short pamphlet, entitled 'Reasons For Contentment' (1792), Paley warned England's labouring masses against revolutionary activities on the grounds that radical reform 'is not only to venture out to sea in a storm, but to venture for nothing'.<sup>68</sup> The poor have much to be thankful for, and should count their blessings. The only change to be desired is gradual change - 'that progressive improvement of our circumstances, which is the natural fruit of successful industry; ... This may be looked forward to, and is practicable, by great numbers in a state of public order and quiet; it is absolutely impossible in any other'.<sup>69</sup>

Paley, then, was no radical reformer. Like Bentham of the 1770's and 1780's, he was no democrat. He held that political innovation brought with it many unforeseen evils. Of course, there was always room for improvement, but in general terms the existing forms of government and

electoral arrangements provided all the security society required.<sup>70</sup>

Utility is the key to Paley's analysis, and it was no less influential on his view of the role of religion. That his conclusions differed substantially from Bentham's only goes to prove the fickleness of the principle of utility when applied by different hands. The authority of the Established Church, he proclaimed, is 'founded in its utility', in its usefulness in inculcating the principles of Christianity, and in the support it gives to secular government. Where Church institutions have been converted into 'the means of strengthening and diffusing influence' they are abused and remedies are required.<sup>71</sup> To this end Paley advocated, in their mutual interest, a strengthening of the ties between Church and State:

That a comprehensive rational religion, guided by a few articles of peace and conformity, together with a legal provision for the clergy of that religion; and with a complete toleration of all dissenters from the established church, without any limitation or exception, than what arises from the conjunction of dangerous political dispositions with certain religious tenets; appears to be not only the most just and liberal, but the wisest and safest system, which a state can adopt; inasmuch as it unites the several perfections which a religious constitution ought to aim at: -- liberty of conscience, with means of instruction; the progress of truth, with the peace of society; the right of private judgement, with the care of the public safety.<sup>72</sup>

Paley's arguments for reform are here summed up: piecemeal reform is dictated by the needs of society according to the calculations of utility. But the underlying assumption is that the constitution is the best that man can conceive - reforms are to be introduced for purposes of conservation not transformation - and throughout the exposition of these Burkeian sentiments the essential alliance and inter-dependence of Church and State is primary.

Bentham's opposition in early life to the religious trappings of the moral thought expounded by the theological utilitarians, is complemented by his later explicit opposition to the political philosophy it nourished. To appeal, as Paley did, to a questionable revelation weakened the utilitarian system, but worst of all, the use he made of his philosophy to justify current rules of conduct, rather than to seek improvement, made his aberration doubly reprehensible. In A Fragment On Government, A Comment On The Commentaries, and in the Introduction, Bentham had shown every inclination to a philosophy of radical secularisation. Now in the last twenty years of his long life his radical views on the relationship between religion, ethics and legislation, and his scattered thoughts on religious establishments, were brought together and systematically presented. He made a start on a project under the title 'Church' in 1809-10, but this was aborted in 1813 and a new work begun.<sup>73</sup> It was the role of the Church under the auspices of the National Schools Society (founded 1811) which gave Bentham a new focus for his great critical work on the Established Church - Church-Of-Englandism. But the unpublished manuscript pages of 'Church' are hardly less damning, as a glance at the extensive outline for this project shows,<sup>74</sup> and it can be said to signal the beginning of a decade and more when Bentham waged open warfare on the Church and its teachings. Taken together the religious publications constituted the second front of Bentham's onslaught on the establishment during this period.<sup>75</sup>

In these works on religion the Church is portrayed as the vicious enemy of human happiness, and its doctrines are shown to be miserably deficient when tested against the standard of utility. Organised religion, political power, and legal institutions were now seen to be all

part of the same establishment standing together both as objects for radical reform and as supreme obstacles to it. The whole was to be irreparably fractured by undermining, ridiculing and disproving religious history, and by revealing the sinister interests which were the chief supports of ecclesiastical institutions.<sup>76</sup> Bentham seems to have looked on the Church as the weakest component of the establishment and attacked it vigorously, his language frequently degenerating into the worst kind of invective. At the height of his anti-religiosity, in the manuscript pages (though not the published text) of Not Paul, But Jesus, he even went so far as to argue that Christ's primary motive was political, that he was the author of a revolutionary plot to unseat the Roman regime in Israel, and that only when his movement was failing did he develop the ideal of a spiritual kingdom as a refuge.<sup>77</sup> As hostile to religion as the early critique of legal theory and practice may have been, it can hardly be compared with the harshness of the later religious publications. However, the move to overt radicalism did not involve a major shift or change in basic ideas. Swear Not At All, the first published work with a religious theme, shows similarities to the unpublished material on subscriptions of 1773.<sup>78</sup> Of more significance, however, is the consideration that the political stance of the Church, which Bentham now made no secret of his intention to overcome, can be shown to have its source in the doctrine of the alliance of Church and State justified on the premise of the supposed utility of religion, which he had sought to expose as fraud from the very beginning of his censorial work on jurisprudence. It became necessary for him to publicly attack the Church, since it was for this institution of reaction that the religious exponents of the doctrine of utility had provided a seemingly rational base; it was in-

evitable that he would have to attend in a systematic fashion to the Church, its doctrines, and their impact on the social order.

Church-Of-Englandism in its final form became a general exposé of the corruption of the ecclesiastical establishment in England. In the Plan Of Parliamentary Reform he had given a sketch of the 'temporal' nature of the constitution and expounded the democratic causes of annual parliaments and secret and universal suffrage. In Church-Of-Englandism he promised to tackle the 'spiritual' nature of the constitution.<sup>79</sup> In the event Bentham went to extraordinary lengths to point out all the absurdities inherent in both the structure and doctrines of the Church. Its pernicious objectives were shown to be detrimental to the interest of the people. The alliance of Church and State, he there argued, was promoted for no other motives than the self-interest of the clergy. The National Schools Society's first report of 1812 declared that there should be a national system of education and that it should be founded on the national religion. The reasoning, per Bentham, is disingenuous: 'if the great body of the people be educated in other principles than those of the Established Church, the natural consequence must be to alienate the minds of the people from it, or render them indifferent to it, which may, in succeeding generations, prove fatal to the Church, and State itself'.<sup>80</sup> Education is to assist the Church's survival; it is to be organised on a national basis for the purpose of protecting the vested interests and influence of the Anglican clergy, whose sole end is to preserve 'their own worldly and anti-Christian power, their own factitious dignities, their own overpaid places, their own useless places, and their own sinecures'.<sup>81</sup> The methods employed are intolerance, exclusion and

'understanding-and-will-prostrating'. In this respect the Church has shown itself to be well conversant with the means of exploiting the 'logic of the will'; the education they seek to establish is 'the mind estinguishing system'.<sup>82</sup> All this is ample proof for Bentham that the school system sponsored by the National Schools Society is nothing more than 'a state engine ... employed in the manufactory of the matter of corruption, for a cement in the Warburton Alliance between Church and State ...'.<sup>83</sup> The purpose these schools serve is for the Church to recover its former power and 'right of governing without the concurrence of Parliament, all persons in all ecclesiastical matters ...'.<sup>84</sup> The consequence to be expected is 'the most tyrannical and inhuman ecclesiastical despotism that ever raged ...'.<sup>85</sup> Moreover, the habit of insincerity the Church inculcates by enforcing professions of faith lends itself well to the business of corrupt government.<sup>86</sup>

of every abuse and every imperfection, which has place in the field of religion - not to speak of the field of government - the main root - not to say the only root - has all along been seen to lie in that remnant of Popery, the Excellent Church, as viewed in its purest state. For the application of a radical remedy to this radical evil, the times ... seem ripening apace.<sup>87</sup>

The Church, according to Bentham, has forsaken its religious ends and deprived the moral order of one of its supports. Radical remedies are required. The hierarchy is too entrenched to expect piecemeal reform to have any real impact. The 'euthanasia of the Church' and nothing less will do.<sup>88</sup> The Church of England must be disestablished, her secular functions taken over by the state, and (with just compensation to the clergy) her property redistributed. Utility could no longer be used as an aid to the philosophical justification of things as they are, it was now the foundation of the demand for the reconstruction of things as they ought to be.

Experience had taught Bentham that moderation and the apparent reasonableness of the reforms he proposed were not persuasive to those who held positions of authority in Church and State. In politics the radical remedy was in the first place to remove the distinction between rulers and ruled by investing sovereignty in the people. The ultimate success of this remedy in advancing the creation of the rational Utilitarian society, however, demanded another antidote to oppression, and that a prior one. It required the obliteration of the control exercised over the minds of the masses by the doctrines and institutions of religion. Only then could significant reforms be achieved and the rational Utilitarian society become a possibility. That Bentham had made the first substantial steps towards this conclusion at a very early stage in his career has been the argument of the last two chapters, which together represent the kernel of my interpretation of the significance of Bentham's thoughts on religion within the formation and development of his social science. I have argued, in the first place, that the most important factor in any explanation of the genesis and character of his thoughts on religion must be that his adherence to, and interpretation of, the techniques of natural science very early on led him to fathom the deficiencies of a philosophy of society based on religion, and that his aim to supply these deficiencies by means of an entirely secular morality which looked to legislation as the central agency of social harmony, was a necessary prerequisite to the emergence of his radically secular view of the state. Second, I have argued that Bentham's utilitarianism developed in part as a reaction to the kind of religious thinking on morals which prevailed



in the England of his day. His secular version of the doctrine was very different from that of the theological utilitarians and not surprisingly led to very different social and political consequences. The doctrine of utility in different hands could take on a liberal or a radical character, but it seems to have completely escaped notice that for much of the eighteenth century it had been employed as the key plank of political reaction. Brown and Paley, following Warburton, attempted to show that the worth of the Church, and of the political constitution of which it formed an integral part, could be established on the grounds of utility. Bentham, on the other hand, sought to establish the perniciousness of the Church and the doctrines it preached by this exact same standard. Where religion was opposed to utility it was pernicious; where it agreed with it, it was entirely superfluous. Or as Bentham was to phrase it in later life, 'Morality may well say of religion - whenever it is not for me, it is against me.'<sup>89</sup>

In the next three chapters of this thesis, I want to look in greater detail at the critique of religion, at its constructive and destructive aspects, and at the place of the religious publications and related unpublished manuscripts in Bentham's secular view of the world. Taken as a whole the religious writings represent one of the primary negative aspects of his plan for the creation of the secular Utilitarian society, but together with the most important works of his later life - the methodological works, Chrestomathia (a treatise on secular utilitarian education) and the Constitutional Code (an exhaustive blueprint of the legislative and administrative arrangements for the "ideal" state) they compose the substance of Bentham's mature vision of the utilitarian future.

## Chapter V: Footnotes

<sup>1</sup> Of Laws In General, ed. H.L.A. Hart (London 1970) also belongs to this early period. A continuation of the Introduction substantially completed by 1782, the manuscripts were discovered at University College Library by Charles Warren Everett in 1939 and first published by him with the title The Limits Of Jurisprudence Defined (New York 1945).

<sup>2</sup> Crimmins, 'John Brown and the Theological Tradition of Utilitarian Ethics'.

<sup>3</sup> What passed unnoticed then, and still draws little attention today, is the silent acceptance by organised religion of Enlightenment ideas.

<sup>4</sup> 'We never saw an abler defense of utility than in a book written in refutation of Shaftesbury, and now little read -- Brown's 'Essays on the Characteristics' ...' J.S. Mill, 'Bentham', pp.86-7.

<sup>5</sup> John Brown, Essays On The Characteristics Of The Earl Of Shaftesbury (3rd edn. London 1752), p.209.

<sup>6</sup> For Brown's critique of the 'intellectualists' and the 'moral sense' school see Crimmins, 'John Brown and the Theological Tradition of Utilitarian Ethics', sec. 1.

<sup>7</sup> Brown, Essays On The Characteristics, p.210.

<sup>8</sup> William Paley, Principles Of Moral And Political Philosophy (1785), Bk.I, Ch. VI, in The Complete Works Of William Paley (4 vols. London 1825), vol. II, p.34.

<sup>9</sup> Works, vol. X, p.143.

<sup>10</sup> It does not alter this assessment that John Austin set out a version of the theological doctrine in his lectures under the title The Province Of Jurisprudence Determined etc. (1832: London 1971). It was Bentham's secular version of the doctrine that came to dominate in nineteenth century England.

<sup>11</sup> Memoranda from Bentham's conversation of the years 1827-8 recorded by Bowring in Works, vol. X, p.581.

<sup>12</sup> Yet it was well into the nineteenth century before the radical nature of Bentham's utilitarianism was appreciated outside the band of philosophic radicals that gathered about him. As J.B. Schneewind has so rightly said, it was only from the middle of the 1830's that Paley was no longer considered the central figure in philosophical discussions of utilitarianism. Sidgwick's Ethics, p.151.

When Coleridge flung out his anti-utilitarian barbs in later life it was Paley and not Bentham who was uppermost in his mind: 'behold this mighty nation, its rulers and its wise men listening - to Paley and - to Malthus! It is mournful; mournful.' Literary Remains Of Samuel Taylor Coleridge (3 vols. London 1836-8), quoted by John Maynard Keynes, Essays In Biography (London 1933), p.11.

Though Dr. Southwood Smith, W.J. Fox, and John Bowring were closely associated in practical affairs with Bentham and the philosophic radicals, other Unitarian philosophers saw Paley rather than the latter as the fountain head of the utilitarian doctrine. For instance Bentham is mentioned only in passing by Thomas Belsham in Elements Of Philosophy Of The Human Mind And Of Moral Philosophy (1801), and by William Jevons in Systematic Morality (2 vols. 1827).

For Bentham's affected indifference to the news of the publication of Paley's Principles see JB to George Wilson (19-30 Dec. 1786), Correspondence, vol. III, Letter 584. See also George Wilson to JB (24 Sep. 1786), ibid., Letter 567.

<sup>13</sup> Mack, Jeremy Bentham, An Odyssey Of Ideas, p.13; Church-Of-Englandism, 'Preface', pp.xiii-xxvii.

<sup>14</sup> Other influential authors commonly cited by commentators as important to Bentham's intellectual development include Bacon, Hobbes, Locke, Montesquieu, and Hartley, all of whose work it is said he was familiar with during his early formative period. See for example Everett, Jeremy Bentham, pp.17-18. Though Mary Mack has made a significant contribution to the analysis of the impact of the work of these authors on the young Bentham we still await a comprehensive study showing precisely the manner and degree of Bentham's debt to them. For the moment it suits my purpose to concentrate on Hume, Helvetius and Beccaria as those writers to whom Bentham himself, from early date and throughout his life, claimed to be indebted above all others.

<sup>15</sup> For Hume on religion see J.C.A. Gaskin, Hume's Philosophy Of Religion (London 1978).

<sup>16</sup> A Fragment On Government, p.440.

<sup>17</sup> There is little to substantiate and much to say against the claim of John Plamenatz that Hume 'is rightly regarded as the founder of utilitarianism'. He appears to base this on the fact that Hume provided his successors with the concept of 'utility'. The English Utilitarians (Oxford 1958), p.22. The utilitarian features of Hume's ethics are not in question, but his connection with the 'moral sense' school is no less important. With this in mind Plamenatz's statement that Hume 'is a utilitarian but ... not a complete one' (ibid., p.28), hardly does justice to the richness of his thought.

<sup>18</sup> David Hume, 'That Politics May Be Reduced To A Science', in Essays Literary, Moral, And Political (1741, 42: London 1870), p.19. See also Hume's Enquiries Concerning The Human Understanding And Concerning The Principles Of Morals (1748, 51), ed. L.A. Selby-Bigge (Oxford 1902), sec. VIII, Part I, p.90.

<sup>19</sup>Hume, 'That Politics May Be Reduced To A Science', p.19. See also the essay 'Of National Characters' in the same volume. It was this argument for the primacy of political institutions that was uppermost in the mind of John Brown when he argued his own case for a science of politics based on the study of manners in An Estimate Of The Manners And Principles Of The Times (2 vols. London 1757, 58). For a discussion of the differences between Brown and Hume see Crimmins, '"The Study of True Politics": John Brown on Manners and Liberty', Studies On Voltaire And The Eighteenth Century (forthcoming).

<sup>20</sup>U.C. Box 32/158 (1792), 'Objects of civil law - preface'. Significantly the quotation continues, 'The moral world has therefore had its Bacon, but its Newton is yet to come.' Bentham thought of Bacon as 'that resplendant genius', and on another occasion wrote of him: 'Fiat lux, were the words of the Almighty: - Fiat experimentum, were the words of the brightest genius he ever made'. Chrestomathia, p.99; 'Tracts On Poor Laws And Pauper Management' (1797), Works, vol. VIII, p.437. For an excellent short discussion of Bentham's debt to Helvétius see Rosenblum, Bentham's Theory Of The Modern State, Ch.2.

<sup>21</sup>That the Jesuits posed a formidable personal threat to Helvetius after the publication of De L'Esprit in 1758 is part of the story of D.W. Smith's Helvétius. A Study In Persecution (Oxford 1965).

<sup>22</sup>Claude Adrien Helvétius, A Treatise On Man; His Intellectual Faculties And His Education, trans. W. Hooper (1777: 2 vols. London 1810), vol. I, Sect. VII, Ch. I, pp.144, 148, and Sect. VIII, Ch. I; p.196.

<sup>23</sup>U.C. Box 32, fragment entitled 'Introduction, Principes Projet Matière' (c. 1785-90), quoted by Halévy, The Growth Of Philosophic Radicalism, p.21.

<sup>24</sup>Cesare Beccaria, Dei Delittie e delle Pene (1764), first translated into English in 1767 as An Essay On Crimes And Punishments. I quote from On Crimes And Punishments, trans. Henry Paolucci (Indianapolis 1975), p.4.

<sup>25</sup>How this formula came to Beccaria from Francis Hutcheson and was later taken up by Bentham is the subject of Robert Shackleton's informative essay 'The Greatest Happiness of the Greatest Number: The History of Bentham's Phrase', Studies On Voltaire And The Eighteenth Century, vol. XC (1972).

<sup>26</sup>See Correspondence, vol. I, Letter 192; vol. II, Letters 248, 250, 251; and Works, Vol. X, pp.70, 79, 142. Bentham was always happy to indicate his pleasure whenever he found these basic principles enunciated. Hence, despite the concessions to Christianity it contained, he could still commend the Marquis de Chastellux's De La Félicité Publique, Ou Considérations Sur Le Sort les Hommes Dans Les Différentes Epoque De L'Histoire (2 vols. 1772), translated into English as An Essay On Public Happiness (2 vols. 1774). U.C. Box 142/211-13.

<sup>27</sup>U.C. Box 69/17 (c. 1774), 'Crit. Jur. Crim.'

<sup>28</sup>See A Comment On The Commentaries, Ch. I, Sec. 3.

<sup>29</sup>William Blackstone, Commentaries On The Laws Of England (4 vols. 1765-69: Chicago and London 1979), vol. I, Introduction, Sec. II, p.41.

<sup>30</sup>A Fragment On Government, Ch. IV, Sec. 19.

<sup>31</sup>See U.C. Box 96/139 (c. 1773), 'The Idea of God Useless in Jurisprudence'.

<sup>32</sup>U.C. Box 69/13 (c. 1774), 'Crit. Jur. Crim.'

<sup>33</sup>William Warburton, Bishop of Gloucester.

<sup>34</sup>U.C. Box 69/40 (c. 1774, 'Crit. Jur. Crim.'

<sup>35</sup>Introduction, Ch. I, p.11; Ch. VII, p.74; Ch. IV, p.40.

<sup>36</sup>Long, Bentham On Liberty, p.13.

<sup>37</sup>In the 'Crit. Jur. Crim.' mss. Bentham clearly states as much, yet his remarks are tempered by his awareness of the impossibility of ever entirely ridding the world of religious sensibility: 'A great source and subject of diversity, will be those whimsies, or those weaknesses or those prejudices, or those oppressions, or those impostures, which under the several national establishments come under the title Religion. With this title I shall have ... no other concern else than to shew that reason which every lover of ... mankind has the wish ... to see it ... greatly narrow'd at least if not ... totally expunged.' U.C. Box 69/14 (c. 1774).

<sup>38</sup>Introduction, Ch. III, p.37; Of Laws In General, Ch. XVI, para. 1; and Introduction, Ch. V, pp.44, 48.

<sup>39</sup>U.C. Box 140/13 (1775), 'Crit. Jur. Crim.'

<sup>40</sup>Introduction, Ch. XVI, p.201.

<sup>41</sup>*ibid.*, p.202n.

<sup>42</sup>*ibid.*, Ch. III, p.36.

<sup>43</sup>*ibid.*, Ch. X, p.119.

<sup>44</sup>*ibid.*, p.120. In the 'Crit. Jur. Crim.' mss. Bentham took Warburton to task for failing to substantiate the claim of the first book of The Divine Legation Of Moses, that the religious sanction has always been instilled by legislators because of its utility to society. Unless it can be established

that the actions enjoined or condemned by the religious sanction are useful to society, the mere inculcation of the belief in the after life is useless and may even be pernicious. U.C. Box 140/2 (1775).

<sup>45</sup> *ibid.*, p.110n.

<sup>46</sup> *ibid.*, p.121.

<sup>47</sup> U.C. Box 69/12 (c. 1774), 'Crit. Jur. Crim.'

<sup>48</sup> U.C. Box 140/2 (1775), *ibid.*

<sup>49</sup> Introduction, Ch. II, pp.7-8.

<sup>50</sup> *ibid.*, p.19.

<sup>51</sup> *ibid.*, p.20.

<sup>52</sup> *ibid.*, Ch. XII, sec. 34n; Ch. XI, sec. 23.

<sup>53</sup> *ibid.*, sec. 34n.

<sup>54</sup> *ibid.*, p.8.

<sup>55</sup> As John Hill Burton observed, for Bentham sanctions are 'the chains ... which bind a man from following his own wild will'. Benthamiana, p.358.

<sup>56</sup> Long, 'Physical Sciences And Social Sciences', p.3.

<sup>57</sup> John Gay, 'Preliminary Dissertation Concerning The Fundamental Principle Of Virtue Or Morality', originally prefixed to William King, The Origin Of Evil (2 vols. 1732). I quote from the edition reproduced in L.A. Selby-Bigge, British Moralists (2 vols. New York 1965), vol. II, sec. 864.

<sup>58</sup> U.C. Box 15/210, amongst mss. used by Bowring for the first volume of Deontology (1834). Written in the hand of Bowring, it is likely that this is a rephrasing by him of Bentham's original probably dating from 1816.

<sup>59</sup> Introduction, Ch. II, p.31.

<sup>60</sup> *ibid.*

<sup>61</sup> *ibid.*, p.25.

<sup>62</sup> U.C. Box 159/270 (c. 1775-6), 'Crit. Jur. Crim.'

<sup>63</sup> This is the central theme of John Brown's Estimate Of The Manners And Principles Of The Times.

<sup>64</sup> Warburton, The Alliance Between Church And State, in The Works Of The Right Reverend William Warburton (12 vols. London 1811), vol. VII, BK. II, Ch. I.

<sup>65</sup> See the sections on religion in Brown, An Estimate Of The Manners And Principles Of The Times.

<sup>66</sup> A sermon preached in the Castle-Chapel, at the consecration of John Law, D.D. Lord Bishop of Confort and Kilmacdnagh, on 21 Sept. 1782, Complete Works, vol. IV.

<sup>67</sup> Paley, Principles, Bk. II, Part I, and Bk. VI passim. The best short piece on Paley is Ernest Barker's 'Paley And His Political Philosophy', in his Traditions Of Civility (Cambridge 1948). Paley is here pictured as 'half a Bentham and half a Blackstone', a man 'consistently liberal in his sympathies, but consistently cautious in their expression', but whose liberal elements, particularly in his enlightened views on religious toleration and religious institutions, generally 'prove that, for his age, he belonged if not to the Left, at any rate to the Left of Centre'. pp.193, 227, 252.

<sup>68</sup> Paley, 'Reasons For Contentment, Addressed To The Labouring Part Of The British Public', Complete Works, vol. I, p.438. D.L. LeMahieu, The Mind Of William Paley. A Philosopher And His Age (London 1976), is incorrect in styling this work as a reply to Paine's Rights Of Man (Part I, 1791; Part II, 1792), since it was originally given as a sermon at Paley's Cumberland parish in 1790. Though it was inspired by the upheavals in France it is possible that the appearance of Paine's work influenced Paley's decision to publish.

<sup>69</sup> Paley, 'Reasons For Contentment', p 437.

<sup>70</sup> In an ingenuous, but hardly persuasive dig at the advocates of universal suffrage Paley writes that the right to vote, if it be a natural right, as it is claimed, 'no doubt must be equal; and the right ... of one sex, as well as the other'. Every plan of representation, however, 'begins by excluding the votes of women; thus cutting off, at a single stroke, one half of the public from a right which is asserted to be inherent in all ...' Principles, Bk. VI, Ch. VII, p.340n.

<sup>71</sup> ibid., Bk. VI, Ch. X, pp.388-9.

<sup>72</sup> ibid., p.412.

<sup>73</sup> U.C. Box 128/1-48 (1809-10), and Box 5/94-316 (1812-13).

<sup>74</sup> U.C. Box 6/28-83 (1812-13).

<sup>75</sup> This is how Bentham portrayed his intentions in a letter to John Koe (14 Jan. 1818), Koe Mss., from a transcription at the Bentham Project.

<sup>76</sup> The Handbook Of Political Fallacies, published in 1824, best reveals the extent of the connections perceived by Bentham during this period between government, the legal system, and the Church, and their common foundation on sinister interest masked by various forms of fallacious reasoning.

<sup>77</sup> See Steintrager, 'Language And Politics: Bentham On Religion', The Bentham Newsletter, May 1980, No.4, pp.4-5.

<sup>78</sup>U.C. Box 5/1-32, and Box 96/263-341. These fragments and marginalia also include remarks on 'Trinitarianism' and other topics beyond any narrow understanding of subscription.

<sup>79</sup>Church-Of-Englandism, 'Preface On Publication', p.xi.

<sup>80</sup>Quoted by Bentham, *ibid.*, 'Introduction', p.89n.

<sup>81</sup>*ibid.*, pp.93-4n

<sup>82</sup>*ibid.*, p.176.

<sup>83</sup>*ibid.*, p.99

<sup>84</sup>*ibid.*, p.168.

<sup>85</sup>*ibid.*, p.169

<sup>86</sup>*ibid.*, 'Plan Of The Work', p.xlix.

<sup>87</sup>*ibid.*, p.liv.

<sup>88</sup>*ibid.*, Appendix IV, p.193f.

<sup>89</sup>Works, vol. X, p.70. Perhaps an allusion to Matthew xiii.30, where Christ rebukes the Pharisees thus: 'He that is not with me is against me;....'



## CHAPTER VI

### RELIGIOUS LIBERTY

It was in Swear Not At All, published in 1817, that Bentham first publicly gave vent to his distaste for the exclusionary practices of official religion. The history of his advocacy of a greater degree of freedom to express religious opinions without penalty, however, begins a long time before this and has a wide variety of significant facets. In order to provide a complete picture of Bentham's disapproval of official intolerance a variety of published and unpublished materials must be consulted. The battle he waged under the banner of 'toleration' traversed a whole range of issues - from the early denunciation of subscription to articles of faith, the problems of oaths generally, a life-long struggle against restrictions limiting freedom of expression and the political problems of Dissenters and Catholics, to the more peculiar plight of homosexuals.<sup>2</sup> The theme of 'religious liberty', which Bentham understood to mean freedom from religion as well as the toleration of diverse religious beliefs, provides a thread by which we can weave these issues together. The writings I shall be using, however, are for the most part of too fragmentary a nature for me to pretend that this chapter represents anything more than an attempt to piece together the thoughts of a man who began writing on such matters in the early 1770's and who retained his interest into the final years of his life sixty years later. But this is not to say that the thread which ties these thoughts together is necessarily of a weak strain. In fact there are two aspects of Bentham's analysis which are present throughout. In the first place, the convictions which inform his critical approach to the problem of official intolerance are founded upon the theoretical principles of his social

science, upon his materialism, nominalism, and philology. Bentham was convinced that no man (perhaps with the exception of himself) and no Church, nor any other institution for that matter, has the capacity to state with finality what the truth is, and that a man's mind cannot be altered by coercion. Only the methods of natural science provide us with trustworthy guides in the quest for knowledge, and for truth to be victorious there must exist the freedom to express and openly discuss one's views. All obstacles to this are obstacles in the path to knowledge and to truth. The imposition of religious tests, oaths, subscription to articles of faith, and the like, are just so many examples of obstacles to free discussion. Except in so far as it is productive of hostility or oppression a variety of opinions is always welcome as conducive to both truth and to happiness, and this is the case in matters of a religious nature just as in any other area of social life. Religious liberty, if it is to mean anything at all then, means liberty for all religions, and even the liberty not to be religious; like interest and love, says Bentham, religion should be free.<sup>3</sup> Second, and closely related to the foregoing, the long agitation for toleration was a part of his war against organised religion. His aim was to remove toleration from the realm of state policy. Questions regarding the close relationship that existed between Church and State necessarily involved the issue of the terms of toleration of Nonconformist religions. The official view was that toleration of differing religions was an integral element of the constitution, but it was consistently denied that toleration implied any right to political power. The state might choose to tolerate opinions which differed from those of the Established Church, but it could not admit Nonconformists to full citizenship without irrevocably

destroying the theory that the two institutions were co-extensive.<sup>4</sup> Bentham reduced the problem to a simple formula: to sever Church from State is to divest government of any need to impose limitations on religious beliefs and practices. For where there exists no such relationship there exists no need for policies of toleration since all religions are tolerated. This, of course, was not an ideal readily embraced by the supporters of the status quo. As Robert Paul Wolff has pointed out, 'a grudging acceptance of the de facto heterodoxy and not ... Protestant devotion to the freedom of individual conscience' was the principal source of the Anglo-American tradition of religious liberty.<sup>5</sup> Eventually, it was the high social cost of suppression that caused the state to tolerate divergent religious practices. Even so, the theoretical arguments for religious liberty had been persuasively set-forth by Bentham a long time before they became a commonplace of English social and political life.<sup>6</sup> Despite his own view that religious beliefs are the consequence of a fundamental misunderstanding by man of his own nature, a misunderstanding exacerbated by a language unavoidably fraught with the terminology of fictions, he stood out strongly and consistently throughout his long life for the principle of universal toleration. In this chapter I intend to set out the history of this war against intolerance beginning with the early manuscripts on the subject of subscription. I will then consider the case against oaths set forth in Swear Not At All and other works, Bentham's interest in the plight of the Catholics, and finally his distaste for the Common Law crime of blasphemy.

# 1. Early Manuscripts on Subscription

In 1771 Francis Blackburne, the Rector of Richmond in Yorkshire, drew up proposals for a petition for relief of Dissenters to be presented to parliament. This became known as the "Feathers Tavern" Petition.<sup>7</sup> In February of 1772, it was rejected by the House of Commons by 217 votes to 71.<sup>8</sup> This petition, however, subsequently gave rise to a number of sermons, charges and pamphlets, and for the next two years a gentlemanly but vigorous debate ensued in the universities. Bentham was almost certainly aware of these exchanges, and may have been tempted to enter the fray with an offering of his own. The issue was a delicate one and he perhaps showed good sense in withholding his efforts. They were unlikely to win him friends and were sure to turn many against him.

Edmund Law, a subscriber to Blackburne's petition, remained on the side of reform and published in 1774 his Considerations On The Propriety Of Requiring Subscription To Articles Of Faith. He was answered by Thomas Randolph, President of Corpus Cristi, Oxford, in a tract bearing the title The Reasonableness Of Subscription To Articles Of Religion (1774). Paley, who had refused to sign the petition, now entered the debate on the side of the reformers and published anonymously his Defence Of The Considerations On The Propriety Of Requiring Subscription To Articles Of Faith. The arguments contained in this pamphlet were repeated later in a brief chapter on subscription included in the Principles Of Moral And Political Philosophy.<sup>9</sup> The essential concern in subscription, Paley argued, was the intention of the imposer of that which was being subscribed to. In the case of the Thirty-nine Articles the imposer was the Legislature of 1571. It is this intention, he claims, which has to be understood and satisfied by the subscriber.

They who contend, that nothing less can justify subscription to the Thirty-nine Articles, than the actual belief of each and every separate proposition contained in them, must suppose, that the legislature expected the consent of ten thousand men, and that in perpetual succession, not to one controverted proposition, but to many hundreds. It is difficult to conceive how this could be expected by any, who observed the incurable diversity of human opinion upon all subjects short of demonstration.<sup>10</sup>

What the authors of the law intended, according to Paley, was to exclude from offices in Church and State, Catholics and other Nonconformists (Puritans and Anabaptists) who were hostile to an episcopal constitution. Anybody who falls under these categories ought not to subscribe, nor should anyone else 'who is not first convinced that he is truly and substantially satisfying the intention of the legislature'.<sup>11</sup> The conclusion Paley draws is that it is legitimate for all except those who fall within these categories to subscribe, regardless of individual doubts pertaining to the separate articles of faith. Later in the Principles, in the chapter on Religious Establishments and Toleration, he reiterated the argument for the exclusion of certain religions on political grounds:

The State undoubtedly has a right to refuse its power and its confidence to those who seek its destruction. Wherefore, if the generality of a religious sect entertain dispositions hostile to the constitution, and if government have no other way of knowing its enemies than by the religion which they profess, the professors of that religion may justly be excluded from offices of trust and authority.<sup>12</sup>

The intertwining of the question of the relations between Church and State and the controversy over subscription to articles of faith can hardly be missed in Paley's argument. Despite his liberal interpretation of what it means to subscribe to articles of faith, subscription and other methods of exclusion enforced by the state are necessary to preserve the constitution, and thus to protect the privileged position of the Church.

Bentham's attack on the ecclesiastical establishment in later life showed full awareness of the connection between the policies of exclusion and the nature of the 'alliance' of Church and State. But it is a little surprising to find that in the early unpublished manuscripts of the 1770's his thoughts, though fragmentary, were no less clear about the significance of this relationship. Intolerance, he writes, is the inevitable product of the existence of an established religion.

We see in this country where it is established, disputes rising upon disputes, precisely ... because it is established: We see in other countries where it is not established, where the opinions it is designed to suppress are suffer'd to be expressed, and all sorts of other opinions which it is never expected (?) to suppress, men living without dispute.<sup>13</sup>

The political consequences of intolerance cannot be ignored. If the state does not protect those who differ from it on the score of religion then what allegiance do Dissenters owe to government? Intolerance, if taken too far, is a threat to the security of the society; it is the road to civil unrest.<sup>14</sup> But intolerant attitudes are not enshrined solely in government policies. In anticipation of John Stuart Mill, Bentham thought that the disapprobation of the people at large toward so-called heretical opinions can be just as tyrannical as any official measures of oppression, and its consequences just as threatening.<sup>15</sup> The malice of our fellow men, he says, is typically the result of a rigid adherence to superstitious dogmas, dogmas from which, he thanks God, he has long since freed himself.<sup>16</sup>

Though there are a few occasional asides dealing with specific Church doctrines, in these early manuscripts Bentham was primarily concerned with the problems posed by religion as it was established in England.<sup>17</sup> He freely admitted that the penal laws for religious non-

conformity were rarely enacted, and that those in existence commonly lay dormant upon the statute books. The reason for this, he suggests, is the Englishman's 'general aversion to intolerance.' 'The sense of the whole nation', he continues, is 'manifested by the uninterrupted sleep in which these laws have hitherto been continued ...'<sup>18</sup> What then is the reason for their continuance? Does there really exist a threat to security if they were to be repealed? Bentham points to the United States to prove otherwise; there, at least, the lack of religious penal laws has not occasioned any threat to the security of the state.<sup>19</sup> Nor has the Empress of Russia 'been brought even by the experience of riots and insurrections on religious accounts to withdraw her Law of universal toleration ...' Why not? Because, 'That wise and magnanimous Princess knows, that knowledge is the only antidote to these disorders, together with that freedom of examination which produces and disperses it.'<sup>20</sup> Bentham's principal theme in these manuscripts, however, is the compulsory subscription to articles of faith imposed by ecclesiastical government. Subscription appears to many to be the most innocent form of public profession of one's faith, but in reality, says Bentham, it is one of the most perfidious of methods employed by the Church to protect its interests. Leaving us in no doubt as to his position on this matter, the title he suggests for his proposed work based on the 1773 manuscripts is 'Subscriptions a State-poison'.<sup>21</sup> Even at this early date he was certain that subscriptions entailed a perversion of both a man's moral understanding and his intellect. Subscriptions lead us to mistrust our own reason, and to assert belief in that which we plainly cannot comprehend and even that which under other circumstances we would deny outright.<sup>22</sup> Those of more scrupulous conscience pay the penalty for their honesty in

refusing to subscribe; they are condemned as atheists, while those 'who sign any thing are the Godly, the Salt of the Earth: ...'<sup>23</sup>

Bentham proposes a new form of subscription which he deems a more honest avowal than the formularies of the Church:

I A.B. do sincerely promise and swear that I will not look for the truth -- that if I meet it by accident in the way, I will turn aside from it. That my word shall be at perpetual variance with my thought, or else that I will not think at all. That I will hear only the arguments on one side -- or if I hear the other, which shall only be in the view to answer them I will keep my temper worked up to a fit of spleen against them all the while -- I renounce impartiality as the arbiter of all falsehood -- I embrace prejudice, as the safeguard of all truth.<sup>24</sup>

In writing these manuscripts on subscription, Bentham almost certainly had the contemporary controversy over oaths in mind, but his analysis was of a much greater breadth than that of the clerical combatants in the contest. Subscription for Bentham was a recipe for stagnation, a positive counter to attempts at reform, ecclesiastical or political. Foreshadowing his later much-voiced grievances against the Church as an obstacle to reform, in the early manuscripts he laid bare the real crux of the matter. Under the heading 'Obstacles to Improvement', he writes:

That state of prepared imbecility which is necessary to a mind for the tranquil reception of one parcel of Nonsense, fits it for another .... A man who after reading the scriptures can bring himself to fancy the doctrines of the Athanasian Creed ... his mind if not already blotted over with hieroglyphical chimeras is a sheet of blank paper, on which any one who will press hard enough may write what scrawls he pleases.<sup>25</sup>

The linguistic referent should not be missed here, but Bentham's political point is that such a practice made it easy for an unscrupulous clergyman, himself ill-educated, to corrupt the young of his flock and inculcate in their minds whatever fears and fancies might be conducive to obedience to



ecclesiastical authority. 'He stamps the figure upon the infant mind of his [own] mutilated and stunted intellect.'<sup>26</sup> This process of 'prepared imbecility' leads to the docile acceptance of authority and the refusal to consider any significant measures of reform. If good legislation presupposes psychological insight, the clergyman's bad education keeps him blind to the motives and needs of men and, therefore, makes him a bad legislator. Nor could his pupils be expected to fare any better. Hence the process becomes a self-perpetuating one.

There is little doubt that in these early manuscripts Bentham was drawing upon his recollections of Oxford, where he found evidence neither of Paley's convenient understanding of legislative intent nor of the latitude of interpretation that the Tractarians were later to profess vis-a-vis the Thirty-nine Articles. Bentham could never forget that the heresy for which his Methodist friends were expelled from the University was the different interpretation they held of certain of the articles.<sup>27</sup> Under the heading 'Ironical Proposal' he suggests that a court of Divines be established to adjudicate once and for all on all matters of controversy regarding articles of faith, publish their decisions, and then call on the members of each university to sincerely subscribe to its findings.<sup>28</sup> But the suggestion that only if the subject matter of subscriptions were fixed could they do no harm, Bentham does not mean to be taken seriously.<sup>29</sup> He never deviated from the belief that insincerity is bound to be the price of subscription. A man might attempt some form of reconciliation between his true beliefs and the declaration of them required by subscription, or he might try to live with the knowledge of their incompatibility, but more often than not 'he resolves to forget his declaration as fast as possible, and think nothing about the matter'.<sup>30</sup>

retardment.(sic) of political & moral ... knowledge, much more certainly, than for the advancement of any other'.<sup>31</sup> Here the college tutor is ever ready 'to make an apology for his own tranquility by defending the necessity and proclaiming the lightness of those fetters, under which his more scrupulous brethren groan in vail'. All enquiries that threaten this tranquility are to be stifled; the vigour of youthful minds is to be cut short.<sup>32</sup> 'Hence that foul mixture of Servility and Tyranny: Servility, in bearing the yoke themselves; Tyranny, in imposing it on others: Servility presumptive & probable: Tyranny demonstrated and certain'.<sup>33</sup> Even granting for the sake of argument its purported merits, however, subscription to articles of faith is at best redundant, since there is an inherent defect in the practice, a dilemma which advocates of subscription have 'never yet repelled nor ever will be able'. Either subscriptions serve to preclude a diversity of opinions regarding articles of faith in those who sign them or they do not, and 'if they do, they are Tyrannous, if they do not, they are useless'.<sup>34</sup> Whichever is the case the consequences are surely pernicious: 'On examination it will be found that in the [clerical] order this practice implants many vices and not one virtue - in the state many mischiefs and not one advantage'.<sup>35</sup>

Even at this early date in his career, then, Bentham was prepared to apply the test of utility to religious questions, and just as certainly as in his later inquiries the results were found to be overwhelmingly negative. This is the theme of the longest sustained piece of writing on the subject of subscription by Bentham in the manuscripts of the early 1770's:

A peculiar misfortune of it is that this venom attacks only the nobler parts of the body politic: men of birth, of fortune & of education: the pillars of the

State: the great body of the people, who ultimately are the greatest sufferers; stand aloof and gaze without interest and without emotion; they are not expected to swallow it, nor if they were, would they be sensible of its malignity. [T]hey understand not, how a mechanical motion once made of the lips or of the hand, should chill forever the powers of the heart & understanding.... They comprehend not the hardship of men being obliged to think still as the question is stated to them, as they thought, before; unheeding of the conscience of so thinking, & preserved by a happy ignorance from the temptation of thinking otherwise.<sup>36</sup>

Bentham's message is clear. What religious truth, like all other truths, needs more than anything else from legislation is 'the liberty of making itself heard'.<sup>37</sup> England is far from being the home of toleration that foreign observers frequently picture, and Bentham is certain that they would revise their assessment if they could be made to 'see what labor (sic) is spent & to how little purpose to impetrate (?) for it a blessing, which otherwise they might suppose it to have this long time been enjoying'.<sup>38</sup>

## 2. Swear Not At All (1817)

That Bentham had abolition, or at the very least a major reform, of the practice of subscription in mind when he wrote upon the subject in 1773, is clearly implied by his musing that his strictures may be 'out of Season' and might better 'serve for another parliament, or another Age'.<sup>39</sup> Perhaps the failure of the "Feathers Tavern" Petition, backed as it was by a large number of Cambridge Divines, had established the futility of hoping for even limited reform at that time. During the next forty years, Bentham periodically took an interest in the plight of the Dissenters but he wrote little.<sup>40</sup> He contemplated writing a reply to a

letter published in the Public Advertiser of 12 May 1789 on the subject of toleration,<sup>41</sup> and his interest was roused again the following year by a pamphlet written by the Nonconformist Duke of Grafton, which included criticisms of the Anglican Liturgy and of the practice of subscription.<sup>42</sup> In a letter to Grafton, Bentham remarked that his concern with 'the tyranny exercised by the church over the consciences of men', and 'its pernicious influence over the public morals' is not inferior to that of the Duke. His animosity toward the advocates of subscription is unmistakable:

The Rt. Rev. supporters of this profligate system find no difficulty in disclaiming all regard to liberty of conscience; but they will hardly deem it prudent openly to disclaim all regard/ profess an equal disregard/ to the truth/ veracity, which they must do ere they can say a syllable in favour of the habitual perjury held up to observation here.<sup>43</sup>

Grafton replied commending Bentham's observations, and agreeing that the 'tyrannical System' had to be exposed in order that a general conviction of its absurdity be created preliminary to an organised attack in parliament.<sup>44</sup> The required work of exposé, however, was not forthcoming and he took no more interest in the matter for twenty or more years.

The precise date when Bentham returned to a sustained consideration of issues of a religious nature remains obscure. That Swear Not At All was written in substance, if not in its final form, a long time before it was printed in 1813, is beyond question. The title-page to the published tract of 1817 claims that it was 'Pre-detached from an Introduction to the "Rationale of Evidence"', a work printed in 1812. It appears that Bentham 'extracted' it from the material for Ch. IX of this book because it broke the thread of his discussion of the use of oaths in courts of law.<sup>45</sup> But if the date when this pamphlet was written is uncertain, it seems

likely that Bentham's interest in the subject was revived by the passing of the Toleration Act in 1812.<sup>46</sup> Though he had little to say about the Act, his dissatisfaction with its limited nature can be assumed. It is clear that he certainly was not satisfied with the retention of the oaths required for the certification of Dissenting Ministers, for in February of 1813 he was busy collecting information regarding subscription to articles of faith by the clergy.<sup>47</sup> The passing of the Unitarian Toleration Act in July 1813 only served to sharpen his interest. This he thought a most unsatisfactory measure, the imperfections of which, he claimed, were due to the sinister interests of the Church Bishops who 'refuse to relinquish the power they have over the people'.<sup>48</sup> It failed to annul all previous statutes imposing penalties against 'impugners of the Trinity', did not include Ireland under its jurisdiction, and did nothing to alter the law regarding blasphemy, an offense open to all manner of interpretations in the Common Law and decidedly uncondusive to public security.<sup>49</sup>

The text for Swear Not At All is taken from Matthew v.34. Ten years after this pamphlet was published Bentham remarked to Bowring: 'Was ever text more clear than that, 'Swear not at all', - but it has been cavilled away by glosses and meanings which in no other case would be listened to for a minute'.<sup>50</sup> In writing the material finally published as Swear Not At All, Bentham set out to strike a general blow at the system of oath-taking by stripping the Biblical text of all its 'glosses and meanings'. It was a masterful piece of polemic and, as one critic has already commented, 'one of those great strokes by which Bentham from time to time struck at abuses; ...'<sup>51</sup> In seeking to expose the needlessness and mischievous consequences of oaths he employed four distinct lines of

argument: i) oaths are ineffectual in achieving their professed aim and frequently detrimental to the moral understanding; ii) they involve the unwarranted presumption that God will punish an oathbreaker; iii) the Divine punishment threatened for the breaking of an oath is of such an uncertain nature that the mere taking of an oath cannot be relied upon as testimony to the honesty of the swearer; and iv) oaths are a bulwark against innovation and a support to misrule.

i) \* The disutility of oaths

According to Paley the most forceful argument for preserving oaths was the strictly utilitarian consideration that mankind have to trust one another 'and they have nothing better to trust than one another's oath'. The breaking of oaths, he argued, 'in its general consequence, strikes at the security of reputation, property, and even of life itself'.<sup>52</sup> Bentham sought to disprove the logic of this argument. Oaths, he declared, are either useless or they are pernicious. Any potential security to be gained from the use of oaths in England has been sacrificed by the trivial use to which they have been put. Custom House oaths and oaths to obey the statutes of universities are the most notorious examples of useless oaths. 'Oaths', writes Bentham, 'are degraded when they regard trifles, when they are employed upon occasions in which they will be violated by a kind of universal convention; and more especially when they are required in cases in which justice and humanity will make an excuse for, and almost a merit of, their violation'.<sup>53</sup> Oaths binding men to frivolous obligations or unjust laws are invariably broken upon the belief that God never meant to sanction such absurdities or such tyranny, but it is rarely thought, says Bentham, that the nature of an oath does not vary with the character of the policy or law to which it is attached. Either an oath is binding or it is not.

The 'mendacity-restraining' sanctions meant to prevent the violation of oaths are three: i) fear of eventual punishment in most cases; ii) fear of eventual shame in all cases; iii) fear of punishment at the hands of God. At Oxford, says Bentham, these sanctions 'have notoriously no application' for everyone takes oaths, all violate them and nobody is ever punished or put to shame. Oaths to observe the statutes of the universities extracted on admission to Oxford and Cambridge are 'objects of continual, notorious, and open violation'.<sup>54</sup> 'In both seats of piety', observes Bentham,

so perfectly and universally does it appear to be understood, that, applied to the purpose in question at least, an oath is a mere matter of form, i.e., that it amounts to nothing, and is of no use, -- and that, where it is not punishable, perjury is a sort of thing that no man need put himself to the trouble of being ashamed of ...<sup>55</sup>

University oaths are a manifestation of the corruption of public morals. Like Custom House oaths they are ceremonies devoid of use. That most of the ordinances violated are useless and that their violation produces little mischief is beside the point. The oath ceremony includes an assertion and 'by the falsity of that assertion sincerity is violated'.

This insincerity is a form of perjury which once committed is the more easily repeated, such that the habit of perjury is produced by custom.<sup>56</sup>

At Oxford even barbers, cooks, bed-makers, errand boys, and other servants of the University were sworn in English to the observance of a medley of statutes penned in Latin. These oaths, never understood, were never kept.

Where oaths have any success in keeping a man to his word Bentham argues that they are productive of other mischiefs.<sup>57</sup> One principal cause of these mischiefs stems from the fact that there is no guarantee

that oaths will always be used for beneficial purposes. The offense for which God's wrath is meant to be a punishment is not the act which the oath was intended to prevent but 'the profanation of a ceremony'.<sup>58</sup>

In other words, it does not matter for what purpose an oath is employed; if it is broken it is this which is to be punished. The employment of such an instrument is objectionable in principle, for 'No sort of security is given, or can be given that it will be applied to the most beneficial purpose rather than to the most pernicious'. Bentham, of course, regards the latter as the most likely on the grounds that if the purpose is beneficial then the act is likely to take place without an oath.<sup>59</sup> Among the most pernicious purposes for which oaths are required are those of religious tests such as subscription to articles of faith. These, says Bentham, are a direct invitation to perjury. Tests given to the young, who can know no better but promise to believe what they do not comprehend, left him forever indignant. Reflecting on his own experience with subscription at Oxford, Bentham was to remark, 'by the view I found myself forced to take of the whole business, such an impression was made as will never depart from me but with life'.<sup>60</sup> Public morality, he believed, was poisoned at its very foundation when these practices were employed in institutions of learning.

Bentham, however, reserved his greatest scorn for the use of oaths in courts of law. Already in manuscripts dating from c. 1778-80 with the heading 'On Torture' he had likened the jury system to a form of torture. One of the consequences of the stupidity of requiring an unanimous verdict from a jury was to make the oaths of jurymen redundant.

The way the system works, says Bentham, is that,



A question is proposed to them to which they are required to say Yes or No: and this is always in a man's power. If they will do neither, they are to be shut up without meat, drink, fire or candle: that is they are to be starved: and if this obstinacy continues invincible they are of course to be starved to Death.<sup>61</sup>

The threat of starvation completely dissolves any quibbles the jury might have about keeping to their oaths to deliver an honest verdict.

Under these circumstances perjury is unavoidable:

There is indeed an impropriety, and a very glaring one in their being obliged all of them to say Yes or all of them to say No, when perhaps a number of them think oppositely. Their answer is given upon oath; so that in effect this process is neither more nor less than torture applied to 12 men to force a certain number of them to commit perjury.<sup>62</sup>

In the event, says Bentham, this practice of demanding unanimity and closeting a jury away until it is arrived at, is not even complained of. His explanation is that 'there is no kind of perjury which custom will not render innocent in the eyes even of a religious people'.<sup>63</sup>

Bentham's attack on the use of oaths in courts of law represents another facet of the comprehensive offensive mounted against England's judicial system which he began in the 1770's. In Swear Not At All he continued the attack. Here his argument is that the punishment for perjury is confined to that supposedly involved in the ceremony of an oath, and as such this is an insufficient sanction to prevent the occurrence of mendacity.<sup>64</sup> Bentham, however, also wanted to claim that oaths posed an obstacle to justice by excluding the evidence of Quakers and atheists. The case of Quakers he had already addressed some forty years before in the 'Crit. Jur. Crim.' manuscripts in which, it will be remembered, he spent so much time considering the nature and effect of the religious sanction. Quakers are prevented by their faith from

taking oaths; they understand the maxim 'swear not at all' literally. But to disregard the testimony of such persons on the grounds that they refuse to take an oath is an affront to honesty and an incentive to crime. On occasions where the only evidence is that provided by a witness 'forbidden by a precept sanctioned by the Religious Sanction from taking the Oath', the consequence is that 'The criminal escapes, and he and other criminals derive from this impunity an ... encouragement to fresh crimes'. In case we should doubt that this could possibly happen in an English court of law, Bentham notes that an 'Incendiarist' escaped by just such a means, and refers us to the 'Gazeteer for April 19th 1776 or some day in that week'.<sup>65</sup> The argument is repeated almost verbatim in the pages of Swear Not At All.<sup>66</sup>

Bentham's protest against the exclusion of atheistic witnesses and jurymen followed similar lines. Any 'presumption of improbity' which can be afforded by atheism is very slight, and the cause of justice is perverted by the exclusion of atheists from giving testimony on the grounds that they refuse to take an oath.<sup>67</sup> Bentham found it particularly galling that an atheist could be excluded from giving evidence since it could only be known that he was an atheist by his own veracity, hence it was his own honesty that provided the grounds for exclusion.<sup>68</sup> Forty years later, J.S. Mill was to reiterate similar arguments in the essay On Liberty:

The assumption on which this is grounded is that the oath is worthless of a person who does not believe in a future state;.... The rule besides is suicidal, and cuts away its own foundation. Under pretence that atheists must be liars, it admits the testimony of all atheists who are willing to lie, and rejects only those who brave the obloquy of publicly confessing a detested creed rather than affirm a falsehood.<sup>69</sup>

ii) Unwarranted presumption

The argument that oaths involve an unwarranted presumption that God will punish an oath-breaker is to be distinguished from the more tenuous claim that oaths are in their nature unChristian or 'anti-Christian', which is an argument founded on a literal understanding of the precept 'Swear not at all'. To this interpretive account Bentham, following the Quakers, allows of no exceptions on the grounds that neither God nor any of Christ's apostles specified any exceptions in the Scriptures. The Mosaic Law only condemns those that swear by the Lord's name 'falsely',<sup>70</sup> but Christ's law is more precise in declaring that "'Ye shall not swear at all".<sup>71</sup> Bentham, it must be said, knew his Bible well and rarely missed an opportunity to quote from it whenever he saw the opportunity to embarrass the Church or to contradict its teaching. "'But above all things'", he quotes the apostle James, "'swear not: neither by heaven, neither by the earth, neither by any other oath: but let your yea be yea, and your nay, nay, lest you fall into condemnation".<sup>72</sup> It is the Church of England that sanctions the use of oaths and not the teachings of Christ.

The argument of 'unwarranted presumption' is of a different order to this interpretive account of what Christ meant by the precept 'Swear not at all'. For Bentham it is a question of logic. The binding force of the obligation imposed or undertaken by an oath is derived from the religious sanction and this is the purpose of the ceremony, that is, to impress upon the swearer's mind the force of this sanction. But it is presumptuous of man, claims Bentham, to so invoke the might of God:

On the supposition that, by man, over the Almighty, power should, to this or any other purpose, be exercised or exercisable, an absurdity, than which nothing can be greater, cannot be denied to be involved: -- man the legislator and judge, God the sheriff and executioner; -- man the despot, God his slave.<sup>73</sup>

What right has man to call upon God in this manner? Is God in any way bound to do what is expected of him? The questions are, of course, rhetorical. If God is not bound then the obligation and the sanction upon which it is founded are vacuous. If He is bound then to whom is He bound? If it is to the person who imposes or administers the oath then there is no one who cannot be master of God. All who administer oaths can, to this extent at least, control the actions of the Almighty. As Bentham put it elsewhere: 'Of all the worms that crawl about the earth in the shape of men there is not one who may not thus impose conditions on the supreme ruler of the universe'.<sup>74</sup>

### iii) Uncertainty of punishment

Bentham's advocacy of toleration clearly had its source not in a particular set of political doctrines but in the theoretical principles of his methodology. The limits of toleration are the limits of human credulity; what is not credible (that is, conformable to the known physical world) cannot be entertained. In the early work on ethics and legislation, Bentham mounted a forceful case to prove the uncertain nature of the belief in a future state of rewards and punishments. In the later writing on oaths the case is presented no less forcefully. The 'experiential' and linguistic considerations which characterised the earlier analysis produced similar results in the pages of Swear Not At All. It will be remembered that Bentham held that it

was in the use of particular words and not, at least not always, in the deliberate act of deception, that the offence of falsehood (that is, the indulgence in fiction) primarily consisted. It was, in other words, a function of the language men commonly use. However, in many cases, Church doctrines chief among them, he found principles tending to the deliberate commission of falsehood, or as John Hill Burton phrased it, 'to the designed obliteration of the distinction between the truth and a lie'.<sup>75</sup> The practice of administering oaths was just such an example for Bentham of the deliberate commission of falsehood. The supposition upon which the efficacy of oaths depended was the certainty of punishment for disobedience. This penalty for the violation of an oath is never seen by anyone, but if it were ever suspected that the 'almighty executioner' had failed to perform his duty in any particular instance then the effect of the ceremony of oath-taking comes to nought.<sup>76</sup> Yet no man can say with certainty that there ever has been an instance when God has punished a man for breaking an oath; there are no empirical grounds upon which to base the belief that God will punish or ever has punished an oath-breaker. What 'knowledge' we have of God's wrath is necessarily of an uncertain nature. Any supposition of certainty made by the Church, therefore, is a 'mere fiction', and in proportion as this is admitted, says Bentham, so is the ceremony of oath-taking divested of its binding force and of any useful influence ascribed to or expected of it.<sup>77</sup>

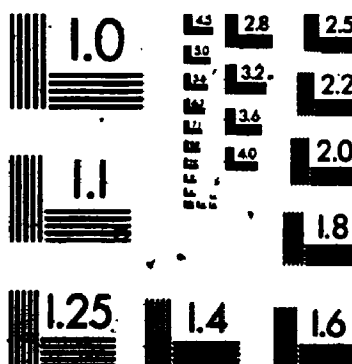
Bentham thought that this was a damning criticism to make of the practice of oath-taking, but it is to be doubted whether it really is as telling as he seemed to think. As on many other occasions when he attacked fundamental articles of Christianity he allowed no considera-

tion of the spiritual aspect of man's nature, upon which beliefs, like that in a punishing and rewarding God, depend. Paley touched the heart of the matter as it regards oaths when he wrote: 'Oaths are nugatory, that is, they carry with them no proper force or obligation, unless we believe that God will punish false swearing with more severity than a simple lie, or breach of promise ...'<sup>78</sup> For the faithful the supposed uncertainty of God's punishment for oath-breaking is not a consideration. Their belief in the probability of punishment is not founded on any experience of the after-life, yet it is on this belief, and not on certainty, that the ceremony of oath-taking depends, and from this faith that it draws its power and efficacy, not from anything material to the sanction itself. Bentham seeks to undermine this belief by exposing the uncertain nature of Divine punishment, but that it is unknowable in any absolute, scientific or certain sense, alters not a whit the opinion among the faithful that it exists.

#### iv) Oaths as instruments of misrule

Bentham's principal concern in his analysis of oaths was to expose their political exploitation by ecclesiastical and secular government. They constitute a sophisticated method whereby the Few dominate the Many; in short, oaths are used as instruments of government.<sup>79</sup> This critique is founded upon Bentham's profound dissatisfaction with the curtailment of religious liberty by government, and related to his long-standing distaste for the 'alliance' of Church and State which oaths, along with other methods of exclusion, served to maintain. To understand why these practices are kept up, says Bentham, we need only consider 'the particular interests of those by whom they are set on foot', and in so

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far as these interests are 'repugnant to the general interest' the institutions and practices they employ to further them are pernicious.<sup>80</sup>

Take for example the practice of oath-taking at the universities. To what is the continuance of this practice indebted? 'Answer - Not so much to its absolute and intrinsic, as to its relative importance; relation being had to the grand object of objects - jargonice, the peace of the church: in plain language, the preserving from disturbance the ease of so many high-seated persons, spiritual and temporal, sacred and profane: ...'<sup>81</sup> University oaths, then, are not pernicious solely because of the habit of perjury they nourish, but also because of the political purpose they serve. In the eyes of the Church innovation is a worse sin than perjury; attempts at reform are attempts to remove the Church from its happy position as the chief ally of secular government, from which it derives its privileges and prestige. Hence the Church will always resist any move to alter the practice of oath-taking at the universities which might allow unruly elements to enter its ranks. For 'profit is derived from it by the ruling few', and this, says Bentham, in an apparent allusion to Warburton, is 'a fundamental ... article, in the only "alliance" ever spoken of that was not purely imaginary, "between Church and State"'.<sup>82</sup>

In some cases an oath prevented a man from doing what he knew to be right; in others it afforded him a ready excuse for the commission of some wrong. For instance George III laid on his Coronation Oath the responsibility for both the war with America and his resistance to the claims of the Catholics. He had sworn to maintain his dominions entire and to preserve the Church of England. The Coronation Oath (1689) is, therefore, another example of an oath 'applied to the perpetuation of misrule'. By this oath the monarch is bound in perpetuity to



"... maintain the law of God, the true profession of the Gospel, and the Protestant reformed religion established by law".<sup>83</sup> The oath was reiterated by the Act of Union (1706) which bound all future monarchs to swear "... to maintain and preserve inviolate the said settlement of the church, and the doctrines, worship, discipline and government thereof, as by law established, ...".<sup>84</sup> The consequence of this oath is to bind the monarch to maintain discriminatory policies against the majority of the Irish people, the Catholics, and to deny to both Catholics and Protestants any relief from the abuses of the ecclesiastical establishment. 'A more ingenious or successful operation of ecclesiastical polity', remarks Bentham, 'never was performed'. He suggests the following piece of irony as a suitable amendment to the Coronation Oath:

And will you, to the utmost of your power, resist all innovations in religion and government, or in church and state?

"King. All this I promise to do ... So help me God."<sup>85</sup>

The Coronation Oath in these terms is 'an engine serving with equal effect for defending Protestantism against Catholicism, and Church-of-Englandism from reform and improvement, in every imaginable shape: ...' It provided an efficient means for preserving all and any abuses presently found to be profitable and gave legitimacy to all abuses that might subsequently be introduced.<sup>86</sup>

### 3. The Catholic Question

The cause of the Catholics Bentham never distinguished in formal terms from that of other nonconforming religions; where liberties were withheld on account of religion of whatever kind he spoke out. In A View Of The Hard Labour Bill (1778) he argued that provision should be made for religious services in the 'labour-houses' for Nonconformist believers as well as the adherents of the Established Church. Catholics, 'with their numerous sacraments', were to be given a special dispensation allowing them to receive the priests of their faith.<sup>87</sup> Bentham always felt the plight of the Catholics more keenly than that of any other persecuted religion. In February of 1828, on the eve of emancipation, he drew up an 'Address, Proposing a Plan for Uniting the Catholics and Dissenters for the furtherance of Religious Liberty', in which he advocated i) the repeal of every statute which put at any disadvantage anyone on account of their religious opinions, and ii) the prevention of judges from resorting to the Common Law in order to avoid any such legislation. Bentham was particularly concerned that English Catholics should join with all dissenting and Protestant sects in order to form a council to mediate in the Irish situation.<sup>88</sup> It was because the position of the Catholics in Ireland was immeasurably worse than that of any other body of believers, that Bentham took particular interest in their plight. His efforts on their behalf have never been fully appreciated. Certainly if the amount of ink he expended on the topic is an indication of his sentiments, he was extremely warm in their cause.

For Bentham the problem of religious dissent was a question of oppression, of the unreasonable denial by government of civil and political

liberties. Legislation using religion as the criterion of exclusion was established and enforced solely to serve the interests of the Few at the expense of the interests of the Many. In some fragments on juries from c. 1791 Bentham, in criticizing the English legal system in general, specifically pointed to laws that enhanced religious preference and intolerance as in need of urgent attention.<sup>89</sup> But these comments stand as conclusions to a study of the principles of religious intolerance that had begun, as we have seen, almost twenty years before. Always adept at combining current interests, in his *Commonplace Book* of the years 1781-85 he reiterated an argument stated earlier in the context of one of his then current interests. The premise upon which religious tests are founded is absurd, he writes: "Offering rewards for faith, and punishments for the want of it, is ... like offering rewards for, and punishing the want of, prejudice and partiality in a judge. To say, believe this proposition rather than its contrary, is to say do all that is in your power to believe it."<sup>90</sup> In the manuscripts (1782-9) later used by Dumont for the *Traité de Législation* (1802) Bentham employed a similar approach in his effort to reveal the absurdities of penal laws against religious nonconformity. He begins in his usual exhaustive manner. From the law-maker's stand-point, the persons whom he wishes to influence by interfering in religious affairs may be considered in three categories: 'those who are already of the same opinion with the legislator; those who reject that opinion; those who neither adopt nor reject it'. Penal laws aimed at the regulation of religious beliefs will be effective only in the case of the last mentioned category of persons, since these are people who may be influenced by the security offered by compliance with the legislative will. For those who conform

voluntarily a coercive law is not needed, and for sincere nonconformists it is useless, as is proved by the fact of their nonconformity. When a man has formed his opinion punishments will not change it; if anything they will serve to confirm him in his opinion. This is likely, says Bentham, for two reasons: 'partly because the employment of constraint is a tacit avowal that arguments are wanting; partly because recourse to violent means produces an aversion to opinions so sustained'. In the result punishment 'never can oblige a man to believe, but only to pretend that he believes'.<sup>91</sup>

The practice is pernicious on other grounds: penal legislation employed to augment the power of the established religion 'acts as an indirect means against that essential part of morals, which consists in respect for truth, and respect for public opinion'.<sup>92</sup> It becomes necessary that one section of the people accustom themselves to parroting the opinions of another part in order to maintain peace and security. In this hypocrisy, though 'innocent falsehoods' are distinguished from 'criminal falsehoods', a class of 'privileged lies' are allowed as a defence against tyranny. 'In the midst of these subtleties', writes Bentham,

respect for truth disappears; the limits of good and evil are confounded; a train of less pardonable falsehoods is introduced under cover of those already described; the tribunal of opinion is divided; the judges who compose it do not follow the same law; they do not clearly know what degree of dissimulation they ought to condemn or what they ought to excuse. The votes are scattered and contradictory, and the moral sanction, having no longer, a uniform regulator, grows weak and loses its influence. Thus, the legislator who imposes religious tests becomes the corrupter of the nation.<sup>93</sup>

Legislatorial possibilities were never far from the surface in almost all Bentham's works. In constructing the Felicific Calculus for the aid of the calculations of the legislator he warned that human error was always possible, and that, therefore, the legislator should always bear two rules in mind: '1. Avoid dogmatising. 2. Still more avoid intolerance. In both cases never cease to bear in mind how ... follow the ground on which your opinion ... rests.'<sup>94</sup> The English parliament had rarely considered these principles; the consequence was the moral corruption of the English people.

For Bentham, naturally, it was the clergy of the Anglican Church who lay behind the preservation of discriminatory legislation. Their aim was to limit liberty in religion as a prerequisite to staving off any attempt at revisionism in doctrine or reform of the institutions of the Church that might threaten their position. 'Examination and discussion', he explained; 'are dreaded by men who feel the ground shaking under their feet. It will not do to allow any alterations in a building which lacks a foundation..... In one word, according to this system, it is necessary to put a bandage about the eyes, lest we be wounded by the light of day.'<sup>95</sup> It was not despite, then, but because of his criticisms and reservations about the efficacy of religion, that Bentham argued that its practice should be allowed unfettered by legislation. For only then could one expect any salutary effects in the field of public morals, or more particularly on the institutions and doctrines of the Established Church.

As we have seen Bentham's appeals for relief from penal legislation for the Protestant Dissenters date from 1773, when he first began to write on religious affairs. In a manuscript of this time he pleads, 'Is not a

Century yet long enough for a state of probation? ... Is the contempt for the rights of conscience to last for ever?<sup>96</sup> Bentham's interest in the particular plight of the Irish Catholics seems to have begun a little later, in the early 1790's,<sup>97</sup> but remained a cause of anguish for him throughout the remainder of his life which his acquaintance with the Irish reformer Daniel O'Connell did nothing to abate. The same statutes, at least in theory, excluded both Dissenters and Catholics from national and local public offices, and, as the debates of the early part of the nineteenth century were to prove, the question of exclusion inextricably linked their interests and fates. The increasingly powerful Unitarian Association was loud in its condemnation of the opposition of other religious sects to the repeal of intolerant laws. Through its spokesman, John Bowring, undoubtedly with the blessing of Bentham, it demanded that the campaign for emancipation be waged on basic principles, that the claims of the Dissenters should be urged only on the broad ground of denying the right or policy of the magistrate's making religious opinion or profession the ground or pretence of civil preference or exclusion.<sup>98</sup> It soon became the general view of the parliamentary opposition that once relief had been won for the Dissenters the emancipation of the Catholics would be politically expedient if not unavoidable. With the repeal of the Test and Corporation Acts in 1828 granting Dissenters full political rights Catholic emancipation became only a matter of time.

As leader of the Catholic Association, Daniel O'Connell's efforts in bringing emancipation about cannot be over-stated.<sup>99</sup> His relationship with Bentham was a close if occasionally volatile one. 'O'Connell', wrote the aging Bentham, 'I love you with a father's love!' O'Connell in return,

in one of his famous impassioned speeches (July 1828), avowed himself 'an humble disciple of the immortal Bentham'.<sup>100</sup> In an anonymous letter to Henry Hunt (c. 1828) Bentham speaks of O'Connell as 'the only man perhaps in the world, by whom, for many years to come, Radical Reform, or any approach to it can be brought upon the carpet, with any the smallest chance of success'.<sup>101</sup> The following year O'Connell, a lawyer by training, offered Bentham his services in the business of law reform,<sup>102</sup> and Bentham thought of founding a Law Reform Association to do for the reform of the law what O'Connell's Catholic Association had done for emancipation.<sup>103</sup> From time to time, however, Bentham had occasion to remonstrate with his brilliant but impatient disciple. He begged O'Connell to refrain from his angry tirades against the moderate reformers among the Whigs: 'Do not run amuck (Malay like) against all your friends, except a comparatively small number of zealous Catholics.' He cautioned him to be tolerant of other men's opinions and to put aside 'the advocates gown' when debating issues in parliament. 'Dan, Dear Child', he wrote on another occasion, 'whom, in imagination, I have, at this moment, pressing to my bosom - put off, if it be possible, your intolerance'.<sup>104</sup>

As I have already said, however, Bentham's interest in Ireland had begun long before his acquaintance with O'Connell. In the 1790's he attempted to initiate a Prison Reform movement in Ireland and had ideas for an Irish Panopticon. There are also some manuscripts dating from 1800 concerning education in Ireland, and it was one of his major complaints of the Unitarian Toleration Act of 1813 that it excluded the Irish from its terms of relief.<sup>105</sup> In 'Radicalism, Not Dangerous' (c. 1819-20) Bentham professed a particular sensitivity to the plight of the unrepresented Catholics in Ireland, and saw in this political

exclusion a deliberate policy of government to use the religious divide as an excuse for disbanding the Irish Volunteers who had fought with the Crown in the American War of Independence.<sup>106</sup> In 'Extracts Of A Letter From Bentham To The Greeks' (24 Nov. 1823) he returned to the same theme:

Of all other governments, the least bad is that of England. Yet, under England, six millions and a half of Irishmen groan in irremediable distress, under unrelenting tyranny. They are kept hungry and naked by priests, and other creatures of monarchy, who fatten on their spoils.<sup>107</sup>

A year later Bentham was to send a letter and a donation of £5 to O'Connell's Catholic Association 'in the humble and cordial hope, that his oppressed brethren of the Catholic persuasion, not attempt redress by insurrection; but unite with the liberal among the Protestants for the attainment of security for all, against degradation and oppression in every shape, by the only practicable means - Parliamentary Reform, in the radical and solely efficient mode'.<sup>108</sup> It is tempting to believe that this was the beginning of Bentham's relationship with the energetic and brilliant leader of the Association, but the letter is striking for another reason. In an unsent portion, apparently suppressed at Bowring's bidding (though later published by him), Bentham states that if it came to 'extermination' then his sympathies would be with the Catholics, since it is they who are oppressed, and not with the Protestants, who were the oppressors. But this outburst is quickly followed by the caution that 'extermination' could not have place without being mutual', and that for the good of all reform must be 'accomplished without blood'.<sup>109</sup>

In the only sustained analysis that Bentham wrote of the Irish Question he again made clear his preferences. In the Handbook Of Political Fallacies (1824) he wrote sympathetically of the situation



of the Catholics in Ireland and critically of the consolidation of Protestant power following the Act of Union of 1801. His theme once again is exclusion and the political and religious fallacies which underlay this policy. In the chapter concerning Fallacies of Danger, under the section headed 'Imputation Founded on Identity of Name', Bentham condemned the oppression of the Catholics on the grounds of their past record. Against measures for the relief of the Catholics, he asserts, the following argument is commonly heard:

"Those of our Ancestors who, professing the same branch of the Christian religion as that which you now profess, and hence distinguished by the same name entertained pernicious designs that for some time showed themselves in pernicious measures. Therefore you, entertaining the same pernicious designs, would now, had you but power enough, carry into effect the same pernicious measures. They, having the power, destroyed by fire and faggot those who, in respect of religious opinions and ceremonies, differed from them; therefore you, had you but power enough, would do likewise."<sup>110</sup>

This is to impute intentions to a man on account of the religion to which he adheres. The political consequences of such fallacies were never far from the surface of Bentham's thought in the later period, and here he points out that it is such prejudiced thinking that marks the whole system of government in Ireland, where the interest of the many 'is avowedly, and so long as the government lasts, intended to be kept in a state of perpetual sacrifice ... to that of the few'. It is, he writes, plainly in the interest of the sinecurists and placemen, who are the representatives of the English government in Ireland, 'to treat the majority of the people of Ireland on the double footing of enemies and subjects; and such is the treatment which is in store for them to the extent of their endurance.'<sup>111</sup>

Religious liberty has nothing to gain, says Bentham, from the falsehoods contained behind 'sweeping classifications'. Such classifications are examples of fallacies of confusion. The aim is to tar with the same brush all those persons or things which are 'ranked in the same class by being designated by the same name'.<sup>112</sup> As an instance of this Bentham singles out a work entitled The Cruelties Of Catholics, a book designed to persuade the reader of the evil consequences to be expected from giving relief to Catholics. The practical effect of this evil tract is that, 'To all Catholics of the present and all future time will be attributed whatever cruelties and other enormities were committed in former times by persons who were called by the same indefinitely comprehensive name'.<sup>113</sup> The barbarities of the Catholics of former times have their limits; the real barbarism is now being perpetrated by those who, like the writer of this book, prolong religious and political discord unnecessarily.<sup>114</sup> That it was the clergy in Ireland who stood to gain from this discord Bentham had no doubt; it was clearly in their interest to exploit the religious division. 'In Ireland', he asks,

what is the use of Protestant priests to Catholics who will neither hear nor see them, and to whom they are known as plunderers? By such exemption from service is not the value of Irish preferment actually increased? In eyes not less religious than gracious, is not the value of religion inversely as the labor, as well as directly as the profit? Is not this estimate the root of these scruples, by which oaths imposed to protect Protestantism from being oppressed are employed to secure to it the pleasure of oppressing?<sup>115</sup>

But to ask such questions, as Bentham well knew, was inevitably to incur the wrath of the clergy who condemn such inquirers with the epithet

"Enemy of the Church!"<sup>116</sup>

With agitation for relief by Dissenters, and Catholics alike mounting, the repeal of the Test and Corporation Acts (1828) and the passing of Catholic Emancipation (1829) did much to reduce political tensions, but they were not entirely satisfactory since both acts contained clauses requiring oaths from non-Anglicans as a protection for the Established Church.<sup>117</sup> That some measure of reform had been achieved at all, however, was occasion for rejoicing. When Wellington fought a duel with Lord Winchelsea prior to the passing of the Catholic Emancipation Act, Bentham, fearing for the cause of reform, sent a remarkable letter of remonstrance to the Duke: 'Here am I, leader of the Radicals, more solicitous for the life of the leader of the Absolutists than he himself is!'<sup>118</sup> But any comfort Bentham may have felt on the passing of the Act was only a momentary affair; a battle may have been won but there was still a war to be fought. In 1831 he was still criticizing the government for its 'determination to coerce, and risk a civil war, rather than to consent to the Repeal of the Union'. Repeal, of course, would mean disestablishment of the Anglican Church in Ireland, and this was an aim dear to Bentham's heart. The stupidity and cynicism evidenced by the policy of coercion he found insufferable; it was designed solely for the purpose of maintaining the status quo. In 1831 in an unsent letter signed "Pacifus" he wrote:

the M.P.'s to the amount of a few hundreds, are determined to go forth, to gird on their armour, and with fire and sword to lay Ireland waste, subdue the insolent Irish, and by God's help, which it will cost them no more than one day's fasting to secure, to establish an aristocratical tyranny of the inhabitants of the one island over those of the other; laying it waste, in the meantime, with fire and sword for that godly purpose.<sup>119</sup>

Given official intransigence concerning any plans for repeal of the Act of Union, Bentham's only suggestion for producing greater harmony and unity of feeling between Great Britain and Ireland was to rename the United Kingdom 'Brithibernia'.<sup>120</sup> But he well knew that such linguistic surgery was only cosmetic and could never solve the problem posed by Ireland while religious liberty was still restricted, and while impositions were still used by the adherents of one religious creed for the oppression of another.

#### 4. The Offence of Blasphemy

A crucial area in which the state interfered with religious beliefs was in their expression. Bentham found it particularly odious that there should be punishment for the supposed crime of blasphemy. What constituted blasphemy under the Common Law was vague and fluctuating. This was a prime example of the uncertainty and unpredictability of the Common Law which Bentham had long since vowed to extinguish. The employment of such methods to quell the expression of dissenting opinions was one of the most disgusting of affronts to his tolerant sensibilities.<sup>121</sup> It was, he thought, a pretense for closing off legitimate inquiry and, less obviously but just as damnably, a fraud by which organised religion protected its privileged position as the official interpreter and conveyor of the word of God. The Anglican clergy take it for granted in any contest of opinions that theirs is the authentic voice of God but, Bentham points out, in so doing they take for granted exactly that which is in dispute. The upshot is that those who contest the teachings of the Church, who argue with its priests, are guilty of disrespect and not merely of disrespect toward the clergy but toward God,

and are therefore guilty of blasphemy. It would be a great service to mankind, Bentham reflected, if the term 'blasphemy' were banished altogether from the English language.<sup>122</sup> By its use liberties supposed to be held sacred by all Englishmen, the freedom to hold and express beliefs and opinions of whatever religious hue, are constantly infringed.

The issue became one of great concern in the years following the Napoleonic Wars, when prosecutions for libel, sedition and blasphemy were used extensively in an attempt to stem the tide of opposition and heretical literature.<sup>123</sup> Bentham, of course, would not have forgotten the seditious libel case of John Wilkes in 1769,<sup>124</sup> but not since the days of the French Revolution had social unrest forced the hand of government into actions of such an oppressive nature.<sup>125</sup> Matters came to a head in early 1817 when, in the light of the recent disturbances stirred up by the efforts of "Orator" Hunt and others to petition parliament for democratic reform, the cabinet became alarmed and rushed through the House of Commons bills suspending Habeas Corpus (24 Feb. 1817), and enforcing a few other laws which had been allowed to lapse concerning the personal safety of the king,<sup>126</sup> incitement of the troops to mutiny, and restrictions on public meetings. On the 25 March the Lords passed the last of the bills, the Seditious Meetings Act. Two days later Lord Sidmouth, the Home Secretary, asked the Lords-Lieutenant to instruct the Justices of the Peace that in future every magistrate was empowered to order the arrest of any person believed to be responsible for the public sale of blasphemous or seditious literature. This constituted an unprecedented extension of the jurisdiction of the magistrates.<sup>127</sup>

Attacks on the Established Church, exposure of abuses in the armed services and corruption in government, revelations concerning the 'packing'

of juries, all were to be met with the same weapon - prosecution for blasphemy or seditious libel. It hardly seemed to matter which charge was laid, the consequences were generally the same: heavy fines and prison terms varying from one to six years. On this state of affairs Bentham was moved to comment:

The plains, or heights, or whatsoever they are, of Waterloo, will one day be pointed to by the historian as the grave not only of French but of English liberties. Not of France alone, but of Britain with her, was the conquest consummated in the Netherlands. Whatsoever has been done and is doing in France will soon be done in Britain. Reader would you wish to know the lot designed for you? Look to France, there you may behold it.<sup>128</sup>

Two years later the passing of the 'Six Acts' seemed to confirm Bentham's worst forebodings. A comprehensive code of legal restrictions was introduced for the first time in English history with the declared intention of restricting the right of public assembly. With certain exemptions it was henceforth illegal for anyone to attend a public meeting outside closed doors with over fifty persons in attendance, and all meetings held with the object of discussing any grievance of a public character or any question concerning Church or State. Several bills were introduced to restrict the freedom of the press, one of which was an 'Act for the more effectual Prevention and Punishment of blasphemous and seditious Libels'. On this particular measure Elie Halévy has commented:

It was clever tactics to include sedition and blasphemy in the same category; for there were large numbers both in the middle and in the working class who were attracted by ... a Radical programme of parliamentary reform, but were shocked by the anti-Christian character which the leaders of English Radicalism, aping the French revolutionaries, had impressed upon the literature of the movement.<sup>129</sup>

Henceforth any remotely irreligious comments in a tract or journal could

be used as an excuse for the suppression of literature even suggestive of dissatisfaction with government.

It was against this background that Bentham defiantly chose to publish Swear Not At All in 1817, and explained in the Advertisement that the reason for his publishing a tract which had lain upon the shelf for over four years, was 'the addition so lately made of the scourge of religious persecution to the yoke of despotism'. A year later the difficulties in finding a publisher for Church-Of-Englandism, and the warnings of the ever cautious Romilly, brought home to him the risks he ran in publishing literature openly critical of established institutions. Anonymity was out of the question since no publisher would countenance publishing an anonymous work so obviously of a radical nature. To do so would mean certain prosecution and imprisonment. Bentham hit on the device of including his exchange of letters with William Smith in the belief that this would lessen the risk of prosecution, but that little notice was taken of the work and that it came from the hand of a respected old gentleman may also have been factors persuading the Attorney-General to stay his hand. The correspondence with Smith, however, is important for another reason. It contains Bentham's most precise statements of the failings of statute and Common Law regarding the offense of 'blasphemy'.

Smith, in a letter to Bentham of 16 February 1818, explained that though the Unitarian Toleration Act of 1813 was intended to repeal the penal statutes against 'Impugners of the Trinity', he was persuaded by Manners Sutton, the Archbishop of Canterbury, whose support he was keen to enlist, to exempt the statutes regarding 'the Crime of Blasphemy' - a crime, he thought, which 'should still be left open to the animadversion of the Common Law'. That the Archbishop held the same idea

as Smith as to what constituted the crime of blasphemy apparently was sufficient grounds for agreement. '... I have no doubt', he wrote to Bentham,

His Grace also, understanding by the Term "Blasphemy", of course, not that constructive and inferential Imputation of the Crime which might be fastened on every Doctrine relative to the Divine Nature differing in any respect or degree from that of the Established Church, (an Interpretation wholly subversive of the very Liberty and Relief intended to be granted,) but that which is its common and, I imagine also, its legal Import; - The Use of Language and Epithets in themselves reproachful, reviling and abusive, levelled immediately at the Majesty and Character of the Supreme Being.<sup>130</sup>

Bentham takes up the point in his reply: Smith's tranquility is misplaced, turning, as it does, on a definition of the word 'blasphemy' which he would gladly share if only the law did not say it meant something else. The Common Law, as Bentham never tired of reminding his fellowmen, is 'the expression of the will and pleasure of one or more set of men, whose interest is, on this ground, in a state of diametrical opposition to the universal interest', and it is this law under which prosecutions for blasphemy are usually brought.<sup>131</sup> What constitutes 'blasphemy' according to the Common Law is far different from the definition agreed between Smith and the Archbishop, as recent trials have shown. 'Sir', enquires Bentham, 'have you not heard of Mr. Hone and his blasphemy? Sir, have you not heard of Mr. Wright of Liverpool, and his blasphemy? Mr. Wright - a divine, whose blasphemy is, if I mistake not, pretty exactly of the same stamp with your own piety and that of Dr. Belsham?'<sup>132</sup> Under the Common Law even the Liturgy of the Established Church is 'put upon a level with God', and under the name of 'blasphemers' it can 'grind to powder' all Christians who express a religion different from that of the Church. 'Know you not', Bentham asks Smith,



that, according to the tenor of this maxim, 'Christianity is part and parcel of the law of England?' that any thing and every thing, which it shall please the piety of this or that bench to call christianity will thereby be so? that every thing that it shall please that same piety to call an offence against the said christianity will thereby be so, and the offender liable to be visited, as the phrase is, with any or all such instruments of destruction as the hand of precedent has now presented to the piety of that same pre-eminently learned bench?<sup>133</sup>

What constitutes blasphemy is deliberately left vague, says Bentham, and as such this notion is a significant instrument of oppression in the hands of authority. It can be used to oppress persons of any religious persuasion whom the Church or its secular protector hold to be a threat to the stability and order of the state.<sup>134</sup>

Bentham was particularly chagrined at the treatment of Richard Carlile (1790-1843) by the authorities. Carlile had a history of publishing radical works, including several of his own ventures in 'free-thinking' and had been imprisoned for eighteen weeks in 1817 for his part in the Hone affair. In December of the following year he was prosecuted again, this time for publishing a collection of the works of Thomas Paine, and was indicted six times before eventually being sentenced in November of 1819 to three years in Dorchester Prison and fined £1500. At the same time nine of Carlile's shop assistants were also arrested and served sentences ranging from six months to three years. Carlile remained in Dorchester until 1826, was back there in 1830 for a further three years and, finally, served another ten weeks in 1834-5, on this latter occasion for the non-payment of Church rates. While in Dorchester, Carlile managed to publish Bentham's Analysis in 1822 'free from the danger of further punishment', as one commentator has wryly remarked.<sup>135</sup> Coincidentally, in 1823, the year Bentham's Not Paul,

But Jesus appeared, Carlile published D'Holbach's Examen Critique De La Vie Et Des Ouvrages De Saint Paul (originally published in Amsterdam in 1770), which was a free translation of Peter Annet's History And Character Of St. Paul Examined, a work which influenced Bentham's own effort on this subject.<sup>136</sup>

Carlile's indictment, Bentham claimed, amounted to little more than a charge of atheism, but he cared little whether the bookseller was an atheist or not. The issue was one of principle and measured against this the prosecution was an 'odious' one. 'Whether your opinions be true or false', he wrote to Carlile, 'the dissemination of them, beneficial or pernicious, I regard the cause for which you suffer as being the cause of whatever is good in religion or government: the cause of free enquiry, on which all truth, and consequently all useful truth depends'.<sup>137</sup> On another occasion Bentham wrote: 'Your cause is, in my eyes, the cause of all dissenters of every denomination, from the corruptive and demoralising, and stupifying tyranny of every established and persecuting Church'.<sup>138</sup> The absolute freedom to express one's opinions should be a right secured to every man; to prosecute a man for the expression of an opinion, religious or political, is not only an act of immorality, but an act of unmitigated tyranny. 'No man', he continues, 'is so lost to shame, as to maintain, that, in any other part of the field of thought and action, it can be subservient to justice, it can be otherwise than subversive of justice, to suppress any relevant argument on either side, while those on the other side are free; ...'<sup>139</sup> England should look to the United States for an illustration of the worth of religious liberty: 'In Republican America there is no punishment for free enquiry, or pretence of punishing seditious meetings and blasphemy; there is therefore

no sedition there'.<sup>140</sup>

### Conclusion

That Bentham had a personal interest from time to time in the lifting of the restrictions of freedom of expression is unquestionable but his agitation for a more tolerant attitude by government toward dissenting religious opinions spanned almost his entire adult life, from his first jottings on subscription to the interest he took in later life in the offence of blasphemy and the cause of the Catholics. No one work contains a distillation of his arguments for toleration, and we have had to review an array of published and unpublished literature in order to piece his views together. However, there is little doubt that this literature provides the material of a consistent and coherent stand by Bentham on the issue of religious liberty. While detailing the secular character of his utopian Utilitarian society in the Constitutional Code he pointed to the irreligious and inhuman aspects of intolerance against which he had waged a life-long struggle:

Direct profession of atheism is profession of atheism, and nothing worse. Endeavour to crush a man for the profession of atheism, is virtual confession of atheism, coupled with the practice of insincerity and intolerance. In proportion to every man's love of humankind, and of those virtues on which its felicity depends, insincerity and intolerance of difference in opinions, whatever be the subject, will ever be odious.<sup>141</sup>

Freedom of expression is a fundamental instrument by which the people can protect themselves against misrule; it is a means by which the private citizen can preserve or claim for himself whatever securities he deems necessary to his existence and well-being. As such freedom of expression is a check on the activities of government. But religious liberty is not just this; it is also freedom from religion. Bentham, of course, knew well

that the freedom to question religious doctrines and practices and to state the grounds of one's atheism, were essential to the destruction of the ascendancy of any particular religion over any other, and ultimately, he believed, would lead to the destruction of all religion. It is in this respect that the political and the philosophical are so closely related in his thought. For his advocacy of religious liberty is entailed by the theoretical principles enunciated in his methodological writings. It is the lack of any empirical foundation for religious beliefs which makes the claims made on behalf of the utility of the religious sanction so preposterous. The fact of an all-powerful God ever ready to expend His wrath on the man who breaks his oath, for instance, is not one that can be known in any certain or scientific sense. In short, both the idea of God and those of his various supposed attributes are abstractions or 'fictions' without any empirical foundation. The uncertain nature of the religious premises upon which the ceremonies of oath-taking and subscription to articles of faith are founded serves to undermine the efficacy of these practices, such that oaths and subscriptions are now frequently viewed as empty pronouncements. This, of course, is exactly what they are for Bentham. But the hypocrisy engendered by oaths and subscriptions means that they serve to foster habits of medacity and perjury. The consequences are that injustices are perpetrated in courts of law and the establishment finds a ready means to hand to facilitate its corrupt rule. Penal laws against Dissenters and Catholics and prosecutions for blasphemy under the Common Law, are additional methods of oppression employed by government to preserve intact the political and religious establishment of England. Relaxation of the terms of exclusion, such as that advocated by Paley and other liberal

reformers, for Bentham barely touched the heart of the matter of this corruption and misrule. Complete toleration and nothing less would do.

From a very early date, then, Bentham attacked the policies of intolerance pursued by Church and State, and returned again and again to address the issues involved. Two such issues with which I have not dealt so far are: i) the involvement of the Church in education; and ii) the intolerance of 'unnatural' acts. As we have seen, Bentham's chief quarrel with the universities was grounded in his aversion to the predominance of religious influences in these places of learning. Institutions of education, he came to believe, should be free from all taint of ecclesiasticism. This is a central theme of the pain-stakingly detailed analysis of established religion in Church-Of-Englandism and will be dealt with in the following chapter in which I consider Bentham's case against the Anglican Church. His arguments against the legal and moral restrictions on the freedom to engage in homosexual relations, first voiced in 1774, I leave to Chapter Eight, in which I intend to consider the critique of Christian beliefs contained in the Analysis and Not Paul, But Jesus. Here again Bentham returns to question the utility of the religious sanction and his enemy, as it has always been, is asceticism. This seems to be the place to consider the scattered fragments on homosexuality, since it was one of his stock arguments that antipathy finds in Christianity a ready support for outlawing 'paederasty'.

## Chapter VI: Footnotes

<sup>1</sup>Bentham, however, rarely used the term. He considered writing a reply to an article in the Public Advertiser of 12 May 1789 concerning the penal laws against Nonconformists under the title 'On Toleration'. U.C. Box 169/152. There are also some jottings from c. 1778 under the title 'Toleration -- Emp Russia'. U.C. Box 96/282. See also footnote 2 to this chapter.

<sup>2</sup>Despite his own aversion to Catholicism Bentham frequently voiced the view that the adherents of the Vatican should not be singled out for harsh treatment. Conceding his prejudices in an unpublished ms. of 1775 he wrote: 'If there is one set of notions to which my own opinions are averse more than another, it is Popery: this being the case, no Papist so bigoted, I could declare myself more cordially disposed to him, more of his way of thinking, let him agree with me in the single article of toleration, than with him whose sentiments and affections discordant with them in that were in all other respects in unison with my own'. U.C. Box 27/9, 'Crit. Jur. Crim.'.

<sup>3</sup>JB to George Wilson (19/30 Dec. 1786), Correspondence, vol. III, Letter 584. On another occasion Bentham wrote in a similar vein: 'As for trade, so for religion, ... the best thing that a government could now do, would be not to meddle with it always excepted the purifying it from whatsoever portions of the matter of wealth, power, or dignity, in the shape of the matter of corruption, superstition has ever daubed it with'. Church-Of-Englandism, 'Catechism Examined', p.149.

<sup>4</sup>The Church of England clergy certainly gave voice to the ideal of toleration but they sought to curtail in practice what they upheld in principle. In any event the defeat inflicted on Fox's motion of 2 March 1790 for repeal of the test Act was decisive enough (294 votes to 105) to banish the question from parliament for many a long year. S. Maccoby, English Radicalism 1786-1832 (London 1955), p.444.

<sup>5</sup>Robert Paul Wolff, 'Beyond Tolerance', in Wolff et al., A Critique Of Pure Tolerance (Boston 1970), p.15.

<sup>6</sup>Nor surprisingly, perhaps, there are many similarities between the views of Bentham and J.S. Mill on religious liberty, but I certainly do not want to claim that all the legislation in nineteenth century Britain relieving Dissenters of penalties for their beliefs or the long series of Oaths Acts, can be traced to the influence of Bentham and his disciples. This would appear to be the position of A.V. Dicey, Law And Public Opinion In England During the Nineteenth Century (2nd edn. London 1962), p.204.

<sup>7</sup> Of the 250 subscribers to the petition who met under Blackburne's leadership at the Feathers Tavern in London only a few were laymen; the majority were beneficed clergymen and Fellows of the University of Cambridge. Charles J. Abbey, The English Church And Its Bishops 1700-1800 (2 vols. London 1887), vol. II, p.124.

<sup>8</sup> However, there shortly followed at Cambridge (23 June 1772) the substitution of a declaration of bonâ fide Church membership for subscription to the three articles of the 36th Canon. Dicey, Law And Public Opinion, Appendix Note III University Tests, p.479. Interestingly enough Bentham noted this fact in his manuscripts. U.C. Box 96/272 (c. 1773). It was not until 1835 that declarations were substituted for oaths altogether at Oxford and Cambridge.

<sup>9</sup> Here, and in his Defence Of The Considerations On The Propriety Of Requiring Subscription To Articles Of Faith, In Reply To A Late Answer From The Clarendon Press, Complete Works, vol. II, Paley adopted the same line as he had previously argued in his Cambridge lectures. This is clear from his extant lecture notes. BL Add. Mss. 12079/113-14, cited by Clarke, Paley, Evidences For The Man, p.21.

George Wilson had this to say of Paley's Principles: 'It is founded on utility, or, as he chooses to call it, the will of God as declared by expediency, to which he adds as a supplement, the revealed will of God. But notwithstanding this, and some weak places, particularly as to oaths and subscriptions, where he is hampered by his profession and his past conduct, it is a capital book, and by much the best that has been written on the subject in this country'. George Wilson to JB (24 Sep. 1786), Correspondence, vol. III, Letter 576. The 'past conduct' Wilson refers to is presumably Paley's notorious refusal to sign the "Feathers Tavern" Petition.

<sup>10</sup> Paley, Principles, Bk. III, Part I, Ch. XXII, p.135.

<sup>11</sup> ibid.

<sup>12</sup> ibid., Bk. IV, Ch. X, p.410. This contradicts the view of LeMahieu, that Paley 'distinguished between "partial toleration" where dissenters were allowed freedom of worship but excluded from public office, and "complete toleration", where all citizens were granted full civil rights', and that he advocated the latter. D.L. LeMahieu, The Mind Of William Paley, A Philosopher And His Age (Lincoln and London 1976), p.150.

<sup>13</sup> U.C. Box 5/5 (1773).

<sup>14</sup> U.C. Box 5/4.

<sup>15</sup> U.C. Box 5/2.

<sup>16</sup> U.C. Box 5/8.

<sup>17</sup> Amongst fragments on the evils of non-residence (U.C. Box 5/30) and other criticisms of Church institutions and practices he launched a scathing if brief attack on the Athanasian Creed: 'That compound of everything that is

either odious or contemptible in language ... doctrines without sense, and curses without mercy'. U.C. Box 5/28.

<sup>18</sup>U.C. Box 96/325 (c. 1773, certainly pre-1775). See also 96/330-5.

<sup>19</sup>U.C. Box 96/325. Bentham mentions specifically 'the code of legislation in the Carolinas'.

<sup>20</sup>U.C. Box 96/282. Steintrager suggests c. 1778 as the date for this manuscript.

<sup>21</sup>U.C. Box 5/13.

<sup>22</sup>U.C. Box 5/5.

<sup>23</sup>U.C. Box 96/275.

<sup>24</sup>U.C. Box 5/10.

<sup>25</sup>U.C. Box 96/48 (c. 1773), quoted by Mary Mack, Jeremy Bentham, An Odyssey Of Ideas, p.300. See also Box 5/6.

<sup>26</sup>ibid.

<sup>27</sup>Bentham was later to claim that this incident was the occasion of his first doubts concerning the Church: 'by the sentence by which those readers of the Bible were thus expelled from the University, that affection which at its entrance had glared with so sincere a fervor (sic), - my reverence for the Church of England - her doctrine, her discipline, her Universities, her ordinances, - was expelled from my youthful breast'. Church-Of-Englandism, 'Preface', p.xix.

<sup>28</sup>U.C. Box 96/268. Bentham goes on to suggest that this arrangement should be duplicated in every other science.

<sup>29</sup>U.C. Box 96/273.

<sup>30</sup>U.C. Box 96/270.

<sup>31</sup>U.C. Box 96/269.

<sup>32</sup>U.C. Box 96/270.

<sup>33</sup>U.C. Box 96/271. See also 96/283.

<sup>34</sup>U.C. Box 96/274.

<sup>35</sup>U.C. Box 96/291.

<sup>36</sup>U.C. Box 96/263.

<sup>37</sup>U.C. Box 69/14 (c. 1774), 'Crit. Jur. Crim.'

<sup>38</sup>U.C. Box 96/266.

<sup>39</sup>U.C. Box 96/266.



<sup>40</sup>George Wilson kept Bentham informed of events while he was in Russia. In a letter of the 24 April 1787 he wrote to Bentham: 'The dissenters have failed to get the Test Act repealed, but the division was respectable, and they are not discouraged. They are very angry with Pitt, whom they will probably no longer support as they did at the general election'. Priestley has written him a letter, a printed one, I mean, full of rage against Pitt, the Trinity, and the Church Establishment - clever enough, and very bold; but very indiscreet, and certainly prejudicial to the cause'. Correspondence, vol. III, Letter 589. The letter Wilson refers to appears to have been published by Priestley two years earlier as A Letter To The Right Honourable W. Pitt... (London 1787).

<sup>41</sup>U.C. Box 169/152 (May 1789), headed 'On Toleration'.

<sup>42</sup>Duke of Grafton, Hints, etc. Submitted To The Serious Attention Of The Clergy, Nobility And Gentry, Newly Associated, By A Layman (London 1789).

<sup>43</sup>JB to the Duke of Grafton (c. 7 Sep. 1790), Correspondence, vol. IV, Letter 721. With this letter Bentham included a copy of the fifth chapter of his Draught Of A Code For The ... Judicial Establishment In France (printed March 1790), Works, vol. IV, which contains a short section on 'Oaths of Office' pointing out the perjury frequently caused by requiring professions of religious beliefs as a prerequisite to taking office.

<sup>44</sup>Duke of Grafton to JB (9 Sep. 1790). Correspondence, vol. IV, Letter 722.

<sup>45</sup>An Introductory View Of The Rationale Of Evidence; For The Use Of Non-Lawyers As Well As Lawyers, Ch. IX, Works, vol. VI. A précis of the main arguments of Swear Not At All appears on pp.28-9.

<sup>46</sup>For a discussion of the particulars of the Toleration Act see Richard W. Davis, Dissent In Politics 1780-1830. The Political Life Of William Smith, M.P. (London 1971), pp.171-84.

<sup>47</sup>There is a letter from Henry Brougham to Bentham (9 Feb. 1813) written in response to the latter's inquiries for information regarding clerical subscriptions in U.C. Box 9/26-7.

<sup>48</sup>Church-Of-Englandism, 'Preface on Publication', p.xxxvii.

<sup>49</sup>ibid., pp.xxvii, xxxix-xli. These issues are discussed in the exchange of letters between Bentham and Smith subsequently published by Bentham in the 'Preface on Publication' to Church-Of-Englandism. Smith was the leader of the Dissenting cause at this time and was responsible for drafting and guiding the Unitarian Toleration Act through parliament. He also directed the abortive negotiations for the broadening of the Toleration Act of 1812. For Smith's role in the cause of religious liberty during the first quarter of the nineteenth century see Davis, Dissent In Politics 1780-1830.

<sup>50</sup>Memoranda from Bentham's conversation of the years 1827-28, Works, vol. X, p.582.

<sup>51</sup>Sir John Macdonell, DNB.

<sup>52</sup>Paley, Principles, Bk. III, Part I, Ch. IV, p.124.

<sup>53</sup>'Of Indirect Methods of Preventing Crimes', Works, vol. I, p.567. Paley thought similarly: 'it merits consideration whether the requiring oaths on so many frivolous occasions, especially in the Customs, and in the qualification for petty offices, has any other effect, than to make them cheap in the minds of the people'. Principles, Bk. III, Part I, Ch. XVI, p.122.

<sup>54</sup>Swear Not At All, pp.196, 195. Paley observed that oaths to obey the statutes of universities are in some cases impracticable, inconvenient, useless, and even 'become' unlawful. Principles, Bk. III, Part I, Ch. XXI.

<sup>55</sup>Swear Not At All, p.215. <sup>56</sup>ibid., pp.216, 217.

<sup>57</sup>In the Rationale Of Judicial Evidence Bentham argued that where an oath has any efficacy it can be attributed to the moral sanction: 'in most points and with most men, a declaration upon oath includes a declaration upon honour: the laws of honour enjoining as to those points the observance of an oath'. The deference is paid to the religious ceremony only in appearance; in reality it is paid to the 'moral engagement'. In the case of judicial testimony the supposed power of the ceremony 'acts in conjunction with two real and efficient ones: the power of the political sanction and the power of the moral or popular sanction'. Bk. II, Ch. VI, Works, vol. VI, p.312.

<sup>58</sup>Handbook Of Political Fallacies, p.68.

<sup>59</sup>ibid., pp.68, 69.

<sup>60</sup>Works, vol. X, p.37.

<sup>61</sup>'Bentham on Torture', ed. W.L. Twining and P.E. Twining, in Bentham And Legal Theory, ed. M.H. James, Northern Ireland Legal Quarterly, vol. 24, No.3, 1973, p.53. The mss. headed 'On Torture' are in U.C. Box 46/63-70. See also Rationale Of Judicial Evidence, Bk. I, Ch. XI, Works, vol. VI, p.273.

<sup>62</sup>'Bentham on Torture', p.53n. <sup>63</sup>ibid.

<sup>64</sup>Swear Not At All, pp.197-8. Bentham offers more observations on the 'mendacity-licence' given by the judicial process in An Introductory View Of The Rationale Of Evidence, Ch. VIII, sec. 4, pp.22-4. Illustrations of the weakness of the religious sanction mentioned in the Rationale Of

Judicial Evidence are: i) declarations of opinion respecting facts 'out of the reach of human knowledge'; ii) the unanimous verdicts of juries; iii) juries shielding criminals from severe punishment by declaring that stolen articles are under the value of forty shillings when they know them to be worth more; iv) the practice which demands that judges, lawyers, and suitors 'unite in the utterance of an indefinitely extensive congeries of wilful falsehoods'; and v) university oaths. Bk. I, Ch. XI, pp.273-4.

<sup>65</sup>U.C. Box 69/20 (c. 1776), with the margin title 'Sanct. Religious Disadvantages Quakerism'.

<sup>66</sup>Swear Not At All, p.201. By the time Bentham published Swear Not At All Quakers were allowed to give testimony in civil cases by affirmation. In criminal cases, however, the exclusion still applied. *ibid.*, p.201n.

<sup>67</sup>Rationale Of Judicial Evidence, Bk. IX, Part III, Ch. V, sec. 1, Works, vol. VII.

<sup>68</sup>An Introductory View Of The Rationale Of Evidence, Ch. XXI, sec. 3, p.106.

<sup>69</sup>J.S. Mill, On Liberty, in Utilitarianism, On Liberty, Essay On Bentham, ed. Mary Warnock (New York 1974), p.156. Mill slightly mis-stated the legal issue - it depended upon the fear of Divine retribution, not belief in a future life - but he was offering an argument which increasingly gained acceptance in England. In the wake of the case of Charles Bradlaugh (1885), who had refused to take the oath required of members of parliament, an act was passed in 1888 guaranteeing the oaths of unbelievers and at the same time giving them the right to affirm rather than swear an oath. See DNB supplement article on Bradlaugh, and the chapter on Bradlaugh in Janet E. Courtney, Free Thinkers Of The Nineteenth Century (London 1920).

<sup>70</sup>Leviticus xix, 12, cited by Bentham, Swear Not At All, p.219.

<sup>71</sup>*ibid.*, p.219.

<sup>72</sup>James v, 12, quoted by Bentham, *ibid.*, p.220. See also Matthew v, 33-7.

<sup>73</sup>Swear Not At All, p.192.

<sup>74</sup>Handbook Of Political Fallacies, p.68.

<sup>75</sup>John Hill Burton, 'Introduction to the Study of the Works of Jeremy Bentham', Works, vol. I, p.38.

<sup>76</sup>Swear Not At All, p.192.

<sup>77</sup> *ibid.* Citing Bentham on oaths J.S. Mill expanded the argument regarding the uncertainty of the supposed punishment to include two further considerations: i) the remoteness at which the supposed punishment is to be administered; and ii) the manner in which punishment is expected to be administered, Utility Of Religion, Collected Works, vol. X, p.413.

<sup>78</sup> Paley, Principles, Bk. III; Part I, Ch. XVI, p.124.

<sup>79</sup> Swear Not At All, p.194.

<sup>80</sup> *ibid.*, p.221.

<sup>81</sup> *ibid.*, p.217.

<sup>82</sup> *ibid.*, p.227.

<sup>83</sup> *ibid.*, p.208.

<sup>84</sup> Handbook Of Political Fallacies, p.69.

<sup>85</sup> Swear Not At All, p.208.

<sup>86</sup> *ibid.* On 27 April 1825 the Duke of York, heir apparent to his brother George IV, delivered a speech in the House of Lords repeating the stock arguments against the emancipation of the Catholics. He ended by declaring that whatever position he might one day occupy, he would always consider the English monarch bound by the oath to defend the Established Church. Elie Halévy, A History Of The English People In The Nineteenth Century (6 vols. trans. by E.I. Walker and D.A. Barker: London 1949), vol. II The Liberal Awakening 1815-1830, p.224.

<sup>87</sup> For the Jews, however, Bentham saw no other solution than a separate 'labour-house' in which they might have their own rabbis, cooks and butchers, the cost of which would be paid by 'the whole community of Jews'. A View Of The Hard Labour Bill (1778), Works, vol. IV, p.24. Bentham's secular intent should not be obscured by such concessions to religion. For instance, he notes that the terrors of dungeons largely depend upon the imaginations of men in whom 'the circumstance of descent towards the centre of the earth is strongly connected with the idea of the scene of punishment in a future life'. In the interests of efficiency and hygiene, however, Bentham suggests that this terror can be simulated by building darkened cells above ground. *ibid.*, p.10.

<sup>88</sup> Works, vol. X, pp.593-4.

<sup>89</sup> U.C. Box 35/11-12, cited by Mack, Jeremy Bentham, An Odyssey Of Ideas, p.427.

<sup>90</sup> Works, vol. X, p.146.

<sup>91</sup> The Theory Of Legislation, p.435. Edited by C.K. Ogden this text is a reproduction of Richard Hildreth's translation from the French of Dumont, itself a discretionary abridgement, however intelligent and skilful, of the original mss. of Bentham. The mss. used by Dumont concerning religion and penal legislation are in U.C. Box 87/20-6 (c. 1780). I am indebted to Charles Bahmüller for his transcriptions of these mss. which will form part of the volume he is editing for the Collected Works, and which will include Bentham's essays on 'Indirect Legislation' and on 'The Influence Of Place And Time In Matters Of Legislation'.

<sup>92</sup> ibid., p.437.

<sup>93</sup> ibid., p.436.

<sup>94</sup> 'Essay On Language', p.330. See Mack, Jeremy Bentham, An Odyssey Of Ideas, p.245.

<sup>95</sup> Theory Of Legislation, p.437. That intolerance is the product of political interest is the argument of James Mill's article on 'Toleration' in the Philanthropist, vol. II, No. 6 (1812).

<sup>96</sup> U.C. Box 96/325. See also 96/331-5.

<sup>97</sup> Romilly wrote to Bentham in January 1793 to ask for a loan of 'the proceedings of the Irish Catholics' which Bentham had evidently been reading. Correspondence, vol. IV, Letter 886. The pamphlet concerned was probably the Proceedings Of The Catholic Meeting Of Dublin, Convened On Wednesday Oct. 31, 1792, At The Exhibition-Room, Exchequer-Street (Dublin 1792).

Thomas Law, brother of John Law Bishop of Clonfert and friend of William Paley, wrote to Bentham on 1 April 1792: 'The Protestants in Ireland are most enraged at this Government for making them be just to the Roman Catholics. I am preparing a speech for Wednesday - this is the beginning. If you tell me it is nonsense I will burn it. We feel philanthropy but have many obstacles to oppose'. Correspondence, vol. IV, Letter 893.

<sup>98</sup> John Bowring in the Monthly Repository, n.s. I (1827), pp.377-8, quoted by Davis, Dissent In Politics 1780-1830, p.237. For a discussion of the role played by Dissenters in the campaign for emancipation of the Catholics see Ch. XII of this work.

<sup>99</sup> For O'Connell's role in emancipation see Halévy, The Liberal Awakening, pp.266-72.

<sup>100</sup> Quoted by Atkinson, Jeremy Bentham, His Life And Work, p.199.

<sup>101</sup> Works, vol. XI, p.5. In the London Review of Oct. 1835 J.S. Mill was to complain bitterly of the absence of a man of action in parliament, remarking that 'O'Connell is the only figure that stands erect'. Quoted by Alexander Bain, John Stuart Mill, A Criticism With Personal Reflections (London 1882; reprinted New York 1969), p.47.

<sup>102</sup>O'Connell to JB (31 July 1829), Works, vol. XI, p.20.

<sup>103</sup>JB to O'Connell (25 Aug. 1829); O'Connell to JB (22 Oct. 1829); and JB to O'Connell (8 Dec. 1829), Works, vol. XI, pp.21f, 28. For Bentham's correspondence with O'Connell chiefly on the subject of constitutional reform see Works, vol. X, pp.594-605, and vol. XI, pp.20-30, 63-5.

<sup>104</sup>JB to O'Connell (7 Nov. 1829), Works, vol. XI, p.26. Other letters, on the same theme were sent by Bentham to O'Connell on 10 Nov. and 8 Dec. 1829. See Works, vol. XI, pp.25-9.

<sup>105</sup>See Ogden, Jeremy Bentham 1832-1032, Appendix 11, p.87; and W. Smith to JB (16 Feb. 1818) and JB to Smith (Feb. 1818) in Church-Of-Englandism, 'Preface on Publication'. Bentham here notes: '"While the ink is yet wet, comes from the bookseller my copy of the statutes of last session, and in it the statute of the 7th July, 1817, 57th George III. cap. 70, which then, for the first time extends to that island the relief which, such as it is, had four years before been vouchsafed to ours."' *ibid.*, p.xxxi.

<sup>106</sup>Radicalism Not Dangerous, Part IV, Works, vol. III.

<sup>107</sup>Works, vol. X, p.539.

<sup>108</sup>JB to The Catholic Association (9 Dec. 1824), Works, vol. X, p.544.

<sup>109</sup>*ibid.*

<sup>110</sup>Handbook Of Political Fallacies, pp.90-1.

<sup>111</sup>*ibid.*, p.91.

<sup>112</sup>*ibid.*, p.174

<sup>113</sup>*ibid.*, p.175.

<sup>114</sup>*ibid.*, pp.175-6.

<sup>115</sup>*ibid.*, p.173.

<sup>116</sup>*ibid.*

<sup>117</sup>See Halévy, The Liberal Awakening, pp.266, 277.

<sup>118</sup>JB to Wellington (22 March 1829), quoted by Halévy, *ibid.*, p.278. Wellington was the Tory Prime Minister responsible for introducing the bill for emancipation of the Catholics (13 April 1829) against stiff opposition from within the ranks of his own party. The duel came about as a consequence of Lord Winchelsea's severe censure of the bill which Wellington took as a personal insult. See Halévy, *ibid.*, p.274. The

recent (1982) renaming of the Duke of Wellington public house situated near University College has its ironic flavour. It is now called the Jeremy Bentham.

<sup>119</sup>From a letter signed "Pacifus" preserved among Bentham's correspondence for 1831, quoted by Ogden, Jeremy Bentham 1832-2032, p.86.

<sup>120</sup>Works, vol. X, p.467.

<sup>121</sup>In private life Bentham may not have been so tolerant of the opinions and beliefs of others: Colls relates that on discovering a private chapel at Ford Abbey he enquired of his master whether it might be re-opened for the use of household servants. 'The only answer vouchsafed to my proposal', he writes, 'was a look of surprise, with which a feeling of suspicion was evidently struggling, that I was either beside myself, or that I knew not what I asked: he then contemptuously turned upon his heel, and left me: and, from that day forth, I had to content myself with "communing with my heart" in secret'. For Colls 'the precise amount of intellectual freedom' he enjoyed in Bentham's retinue was 'the liberty of agreeing with him in all he said and wrote; not of differing from him on any, [even] the minutest point!' Utilitarianism Unmasked, pp.22, 25.

<sup>122</sup>Church-Of-Englandism, 'Catechism Examined', pp.227-9n.

<sup>123</sup>The law of seditious libel was loosely defined as any written censure upon public men for their conduct, or upon the laws or institutions of the country. James Fitzjames Stephen remarks that if literally applied as defined it was 'wholly inconsistent with any serious discussion of political affairs', and 'so long as it was recognised as the law of the land all such discussions existed only on sufferance'. A History Of The Criminal Law Of England (London 1883), vol. II, p.348.

<sup>124</sup>Bentham cut his political teeth on a Wilkesite issue in 1770 when he argued, in a letter signed "Irenius" and printed in The Gazeteer And New Daily Advertiser (3 Dec. 1770), contrary to Wilkes and others, that impressment was a useful practice. For other references to Wilkes see JB to Jeremiah Bentham (30 April 1765), Correspondence, vol. I, Letter 60; JB to Richard Clark (16 Aug. 1768), ibid., Letter 83; and JB to Bowring (2 Feb. 1827), Works, vol. X, p.65. For a brief discussion see Long, Bentham On Liberty, pp.50-1.

<sup>125</sup>It was plainly the view of the judges, writes G.D.H. Cole, that any attempt to put 'subversive' notions before the lower orders was sedition or blasphemy and punishable under the Common Law, even when it did not offend against any specific statute. Richard Carlile 1790-1843, Fabian Society Biographical Series, No.13 (London 1943), p.8.

<sup>126</sup>On 28 Jan. 1817 there had been an attempt on the life of the Prince Regent.

<sup>127</sup>The extent of this jurisdiction was not well defined. One magistrate even refused his sanction to a minerological society on the pretext that the study of minerology led to atheism. Halévy, The Liberal Awakening, pp.23-5.

<sup>128</sup>Plan Of Parliamentary Reform, p.iv.

<sup>129</sup>Halévy, The Liberal Awakening, p.71. For details of the "Six Acts" see pp.70-2.

<sup>130</sup>W. Smith to JB (16 Feb. 1818), Church-Of-Englandism, 'Preface on Publication', pp.xx-xxi.

<sup>131</sup>JB to Smith (Feb. 1818), *ibid.*, p.xxxix.

<sup>132</sup>*ibid.*, p.xl. Wright and Belsham were also Unitarians. The most notorious blasphemy case at this time was that of William Hone, who in early 1817 published his parodies of the Lord's Prayer and other sacred writings, but withdrew them from circulation on being threatened with prosecution. Richard Carlile reissued the parodies without Hone's knowledge and both men were prosecuted for 'blasphemous libel'. Hone was acquitted after three trials by London juries who, so it is said, 'laughed immoderately at his wit and were unmoved by the shocked admonitions of judge and counsel'. Though never brought to trial for his part in the publication of Hone's work Carlile was detained for eighteen weeks (Aug. to Dec. 1817) before being released as a result of Hone's final acquittal; Cole, Richard Carlile, p.7.

<sup>133</sup>JB to Smith (Feb. 1818), Church-Of-Englandism, 'Preface on Publication', p.xli. John Taylor wrote to Bentham (16 Nov. 1818) on the occasion of the publication of Church-Of-Englandism and in connection with Hone's trial: 'Whatever respect you may entertain for the legal knowledge of our Attorney General, I am persuaded that you will join with me in despising his attainments as a Theologian, when he asserts (and he did so in Hone's trial) that the Creed (Bp Pearson's Creed) is of equal authority with the Bible. What is this but another attempt to degrade the Religion of Jesus, by putting upon the same level, anonymous (for who were these Apostles?) and consequently unauthorized publications!' This letter is inserted at p.32 of the British Library copy of Bowring's Memoirs of Jeremy Bentham (London 1838), shelf mark C.61. c. 15.

<sup>134</sup>Of the vagueness of the term Bentham writes: 'Of him to whom it is thus applied the word blasphemy conveys not any the faintest conception: but a most correct conception does it convey to the Mind of him by whom it is thus applied'. U.C. Box 7/102 (1814), an unpublished manuscript originally intended for Appendix III of Church-Of-Englandism.



<sup>135</sup> M.L. Clarke, George Grote. A Biography (London 1962), p.30. It was Place's idea that Carlile should publish the Analysis for the very reason that he had less to fear from prosecution than any other London bookseller. Alexander Bain, The Minor Works Of George Grote (London 1873), p.18n.

J.S. Mill comments that in late 1822 the prosecutions of Carlile and his assistants were still exciting much attention, and that it provided him with the impetus to write a series of five letters under the signature of "Wickliffe" (after the fourteenth century reformer John Wycliffe), 'going over the whole length and breadth of the question of the free publication of all opinions on religion'. Three of these letters were published in the Morning Chronicle (Jan.-Feb. 1823). Mill, Autobiography, p.54. Mill also published an article on the Carlile prosecutions in the Edinburgh Review (July 1824), in which he argued that only the intolerant are not to be tolerated. Bain, J.S. Mill, p.33. For the background to Carlile's prosecutions see Cole, Richard Carlile.

<sup>136</sup> Holbach attributed his translation to the deceased Boulanger, a trick he often used to set persecution on the wrong track. See Max Pearson Cushing, Baron D'Holbach, A Study Of Eighteenth Century Radicalism In France (1914: reprinted New York 1971), pp.34-9.

<sup>137</sup> JB to Carlile (10 April 1820), U.C. Box 10/14-20. Bentham understood that Carlile had declared himself a 'theist', but at this time he was more truly a Deist in the manner of Paine. While in Dorchester, however, he was converted to a thorough-going atheism based on a Holbachian materialistic view of the universe. 'I advocate the abolition of all religions without setting up anything new of the kind', he wrote in 1821. Quoted by Cole, Richard Carlile, p.16. Carlile's irreligion is best seen in his Address To The Men Of Science which he published in May 1821. For Carlile's later 'conversion' to the scientific-allegorical interpretation of Christianity see Cole, *ibid.*, pp.22-3. Apparently he even took out a licence in 1836 in order to preach this "religion" and styled himself "Reverend". The substance of his new approach to religion is best seen in his Church Reform published in 1834.

<sup>138</sup> JB to Carlile (c. Oct./Nov. 1821), Works, vol. X, p.527.

<sup>139</sup> *ibid.*, p.528.

<sup>140</sup> JB to Carlile (10 April 1820); 'Radical Reform Bill', Works, vol. III, p.562. In June of 1817 Bentham wrote to John Quincy Adams enquiring as to how atheists and blasphemers fared in the United States of America, sure that they could fare no worse than in Britain. JB to Adams (1 June 1817), U.C. Box 12/10. Adams recorded in his diary under the date 1 June 1817: 'He gave me a paper of written questions, which he desired me to answer related to the state of religious opinions in the United States, and particularly to the effects which an avowal of infidelity may have upon a person's reputation or his condition in life'. Memoirs Of John Quincy Adams, ed. Charles Frances Adams (Philadelphia 1874-77), 12 vols.: reprinted New York 1970), vol. III, p.551. Adams replied (June 1817) that

there had been no prosecutions for blasphemy at Common Law since independence was declared in 1776. U.C. Box 21/84.

<sup>141</sup> Constitutional Code, Bk. II, Ch. XI, Works, vol. IX, p.453.

## CHAPTER VII

### THE UTILITARIAN CRITIQUE OF ORGANISED RELIGION

That Bentham was hostile to the involvement of the Church of England in schools for the education of the youthful poor is well-known. There is some disagreement, however, about the reason for this hostility. Was it his inveterate and long-standing anticlericalism?<sup>1</sup> Did it stem from his frustrations over Panopticon and other reforms which the Church had played some part in opposing?<sup>2</sup> Certainly Bentham from early on had been critical of religion and particularly of the ecclesiastical establishment of the Anglican Church, and it is surely true that the disappointments over Panopticon intensified his bitterness. But this of itself is an insufficient explanation of the breadth and depth of the critique of organised religion mounted by Bentham in Church-Of-Englandism And Its Catechism Examined and its related unpublished manuscripts. It has also been suggested that the root cause of Bentham's criticism of the Church's schemes and institutions of education was 'his belief that education and its "plastic power" should be under the control of the State', and the alleged fact that he 'had long been in the van of the struggle for secular education'.<sup>3</sup> We might also mention here Alexander Bain's belief that Church-Of-Englandism grew out of the Bell and Lancaster controversy, otherwise known as the "schools for all" controversy, of the second decade of the nineteenth century.<sup>4</sup> In fact, however, such claims have little to recommend them.

In the first place, while Bentham advocated a system of education free from the interference or influence of religion, it is also true that he did not see fit to oppose those schools established by the Dissenter

Joseph Lancaster and others. So long as the religion they taught was free from all interpretations of Scripture associated with specific sects or Churches he saw no reason to criticize them and, indeed, took their part against the Established Church in the ensuing debate.

Second, Bentham's interest in systematic education did not precede the "schools for all" controversy following the establishment of the National Society for Promoting the Education of the Poor in the Principles of the Established Church in 1811, but came about as a consequence of his interest in this issue. The first manuscript pages of Chrestomathia (1816) date from the year 1811, and one is hard put to find anything at all on education before this.<sup>5</sup> Clearly, then, far from being in the van of the struggle for secular education, Bentham had but recently come to focus on the matter at a time when education was already a hotly disputed issue.<sup>6</sup> Third, it is quite clear that the strictures on Church interference in education belong to a later date than the attack on the Church. None of the 'Church' manuscripts of 1812-13 contain any remarks on Church of England involvement in education,<sup>7</sup> which suggests that it is incorrect to argue that 'what began as a criticism of certain aspects of Church education was broadened into a general attack on the Anglican Church and its bishops.'<sup>8</sup> Finally, even if Bentham had been a long-standing advocate of secular education this would still provide but a partial explanation for his volatile critique of the National Schools Society in the pages of Church-Of-Englandism. There is a political dimension to his attack on the Church which cannot be accounted for in such terms. It will be remembered that Bentham thought of the book as an analysis of the 'spiritual' nature of the constitution, intended as the companion to his examination of its 'temporal' nature in the Plan Of Parliamentary Reform. With this

in mind it would be misleading to set Bentham's case against the National Schools Society apart from his general critique of the Church.<sup>9</sup>

Church-Of-Englandism has many dimensions. In the 'Preface' to the work Bentham states that it had its genesis in his experiences with the discipline and doctrines of the Church while at Oxford.<sup>10</sup> The suggestion is that the book has been a long time in the making. That it was published primarily as an attack on the National Schools Society and in particular on the use of the Catechism in the schools they controlled is not in doubt. But the work was never meant to be merely this. Begun in 1812, after a false start in 1810, and aborted in 1813, only to be taken up again in 1814, it was intended to be an all encompassing critique of the entire Church establishment which included a comparison between the established churches of England and Scotland,<sup>11</sup> a review of recent legislation concerning religious matters, and an examination of Church ceremonies, ritual, and sacraments. To this Bentham added in 1814-16 a preface in which he described his introduction to clerical intolerance at Oxford and his strictures against the National Schools Society, the role of the Church in education, and the use of the Catechism in the classroom. The best section is the analysis of the Catechism which is used in the Church's schools as a substitute for the Bible. Bentham found in this usage a particular form of 'subscription' to articles of faith more damnable than any other kind, since by its employment a child's reasoning faculties are corrupted. In this section he showed the full range of his powers of ridicule, but the work as a whole is such a ponderous production that even here his commentary suffers from the attempt to be exhaustive, to explore every little avenue however far from the

main theme it takes him.

The main theme of the book is the general attempt to measure the value of the Established Church against the standard of utility, but it had its source too in Bentham's life-long antipathy to the 'alliance' between Church and State. It was this antipathy which determined his final recourse to 'euthanasia' or disestablishment. This was to be the 'radical solution' to the corrupt practices of the Church, particularly those fostered by its close liason with government. Nevertheless, to read Church-Of-Englandism simply as a radical political tract is to give short shrift to the methodology Bentham employed when considering social and political questions. Just as linguistic analysis revealed to him the ambiguities of legal terminology so it also revealed the fictions and fallacies associated with organised religion, ambiguities which conveniently cloaked the malpractices of the clergy. The Anglican Church, to Bentham's mind, was a palapable illustration of an institution based on 'sinister' interests, which was all the more to be closely scrutinised because of the traditions upon which it was founded and the supposed sanctity it infused into its ritual. As we have already seen in Chapter Four, he thought the term 'the Church' to be particularly well-suited for creating a respect for the clergy which they little deserved. The advantage to the clergy of the continued use of this ambiguous notion was a share in the 'coercive power' of government and the protection of 'all the abuses and imperfections which attach to this part of the official establishment'.<sup>12</sup>

# 1. Anticlericalism

In the light of this last statement it is a little difficult to understand the claim that Bentham was not anticlerical.<sup>13</sup> Perhaps what is meant is that he was only critical of the clergy of the Church of England and not of the preachers of other religions. Bentham is then seen not as anticlerical but as anti-Church of England. John Colls seems to provide evidence to support this view of the matter:

However strong his hatred of Lawyers may have been, he left no doubt in my mind, ... that his antipathy to Clergymen was immeasurably greater - Clergymen, I mean, of the Church of England; - not Unitarians, Socinians, and similar teachers, whom he presumed to have either no principles at all, or to be staunch admirers of his favourite "voluntary system"! towards such as these he was more tolerant: ...<sup>14</sup>

Though often an unreliable critic Colls is here unquestionably correct. Of all the clerical bodies in England, Bentham found the clergy of the Anglican Church to be the most abusive and oppressive. No other clergy is indifferent to religion, demands a profession of belief in that which is not believed, extorts money for doing nothing, or looks upon Church services as hardships which have to be paid for in order to render them desirable. No other clergy resists legislative reform or receives benefits from the hands of the monarchy. 'Where is the sect', asks Bentham, 'that furnishes inhabitants to the Jails, to the Hulks, or to the Penal Colonies. Where would Penal Colonies, Hulks, or Jails find inhabitants but for the Church of England?'<sup>15</sup> Can we say that he was not anticlerical because he did not speak in a similar manner of the adherents of 'his favourite "voluntary system"', the preachers of Nonconformist religions? Admittedly the term 'anticlerical' is ambiguous. However, usually what we mean when we refer to somebody as anticlerical

is that he is an opponent of the clergy of the established religion in a state; a critic of churchmen who wield the power of their church as a social sanction, holding out threats or promises of rewards over and above those which pertain to the spiritual nature of their faith as inducements to compliance with doctrines and practices. In so far as any preacher or priest employs such methods the anticleric will condemn him. If the term be understood in this manner Bentham certainly was anticlerical, and from a very early stage in his career.

In his Commonplace Book of the years 1774-75 Bentham noted: 'In England the clergy are scorpions which sting us. On the continent they are dragons which devour us'.<sup>16</sup> In other manuscripts of the 1770's his invective is little different. In the 'Preparatory Principles' manuscripts of c. 1776 he set out a potted history of the priesthood beginning with the role of priests in primitive societies employing the language of 'extraordinary providences' to interpret natural occurrences, and ending with the priests of the modern age who have abandoned their role as enforcers of morality and who seek to maintain their privileged position in society by perpetrating vicious 'nostrums'.<sup>17</sup> In another manuscript dating from around 1773 he castigates the clergy as a major impediment in the path of social improvement: they 'fail not to perceive that men cannot grow wiser to the great concerns of Society, but at their expence: hence an instinctive hatred of all such wisdom'. The people must be warned of the interests the clergy pursue and be taught to 'set their shoulders against that influence ...'.<sup>18</sup> 'No solid or comprehensive System of reformation even in matters of civil polity is to be looked for, till a clear majority of each House of Legislature be cleansed from the last dregs of superstition: ...' Though Bentham does not mean to banish



the beliefs of any one religion as distinct from another here, it is clear that he has 'Church-of-Englandism' in view. What must be 'cleansed' are 'those principles of what kind soever they be, which point to any ... [other] end of human Legislation than the greatest happiness of the greatest number pursued through ... obvious and experimented means: ...'<sup>19</sup>

When Bentham came to consider religious affairs at length in later life his anticlericalism, fueled by the battle with the Bishops over Panopticon, was more bitter and more specific in nature. In the 'Church' manuscripts of 1812-13 he condemns the coercive power of the clergy in the following terms: 'Give them any such coercive power; you give them a sinister interest which ... produces the misrule exemplified in all Church History'. The clerical order was instituted neither by God nor by Jesus, nor is it sanctioned by Scripture. But words uttered two thousand years ago will not prevent archbishops and bishops from doing what it is in their interest to do: 'Mans (sic) conduct is governed not by the clearest words much less by a part of a discourse interpreted in an infinity of ways; but by his interest -- his present interest'.<sup>20</sup> Non-residence, sinecurism, plural benefices, perferment-hunting, 'pastoral rapacity', the sale of pews, compulsory rates and tithes, and the neglect of duties, are all subjects Bentham intended to address in his work on the Church.<sup>21</sup> He asks a selection of questions which sufficiently indicate the train of his thoughts: 'Ought governments to interfere in religion?' 'Ought a particular class of men to be set apart by Government for the service of religion?' 'Ought pay for them to be raised by force?' 'These instructors ought they as such, to have any share in government?'<sup>22</sup>

Bentham's fundamental charge against the Anglican clergy is that they promote and protect a 'sinister' interest, by which is meant an interest 'operating, or tending to operate, in a sinister direction: i.e. in such a direction as to give birth to a bad, alias a vitious act'.<sup>23</sup> He sought not only to expose this interest but to clear away the fictions behind which it was promoted. 'It is an old observation', Bentham wrote in A Fragment On Government, 'how Interest smooths the road to Faith'.<sup>24</sup> But when he announced in the same work that 'the season of Fiction is now over',<sup>25</sup> he meant only to signal that the battle had commenced. Forty years later the battle continued in the pages of the Handbook Of Political Fallacies. Here Bentham consistently equated interests and fictions as partners in the cause of misrule: fictions are of the utmost importance to those who have a sinister interest 'to keep the human mind in such a state of imbecility that shall render it incapable of distinguishing truth from error'.<sup>26</sup> In Church-Of-Englandism Bentham turned his attentions to the specific interests of the Anglican clergy and the fictions they employ in order to promote them. His anticlericalism, however, did not cease or change character throughout his long life. In a letter to O'Connell in 1828 he was still condemning 'priest-ridden' England,<sup>27</sup> and on the eve of his death, in Auto-Icon; Or Farther Uses Of The Dead To The Living, he reiterated his anticlericalism in typically strident terms. 'From its birth to its death', he wrote,

the priest keeps his fixed predatory eye on the prey he covets, ... No sooner are you born, than priestcraft lays hold of you, and till you have paid toll to it, keeps shut against you the gate of the road which conducts you to your rights, and in return for the money, perhaps the "utmost farthing" thus extorted from your friends, tells them that he has christened you; and unless this be done to you, and

done by him to you, heaven, he informs him (sic), has no comforts for you, nor will earth have any of which it is in his power to deprive you.<sup>28</sup>

To Bentham's mind, then, the Church of England is composed of two classes - 'the plunderers and the plundered'. Contrary to the teaching of the Gospel that no apostle was greater than any other and that it is not he who possesses the most power but he who renders the most service that is to be held venerable (Matthew xviii, 3,4), the Bishops of the Church 'wallow in a compost made of riches, power, and factitious dignity ...' and 'call aloud for "humble docility" ...'<sup>29</sup> It is this which distinguishes the clergy of the Established Church from that of other religions, and it is this which lies at the heart of their efforts to maintain the security of the Church. But why is this sinister interest not detected by the public? The ecclesiastical branch of the establishment is the object of so much reverence because it is 'sanctified'. The laity, explains Bentham, 'behold sanctified, and by sanctification protected, abuses so much beyond any, of the establishment of which, in their own branch, they durst suffer themselves to entertain so much as a ray of hope'.<sup>30</sup> Moreover, it is claimed that the sanctified part of the establishment, including the Bishops with their seats in the House of Lords, 'is necessary to the existence of the Constitution ...' But what does this proposition mean? 'Obedience, passive and active, to the will of the Monarch, ... is the universal and incontestably constant habit of that holy Bench. Obsequiousness, thus constant and universal, is the fruit and conclusive evidence of equally constant corruption: obsequiousness to corruptive influence on the one part, exertion of it on the other'. The maintenance of the monarchy, the source of their patronage, has always been the political aim of the clergy, and for this

they expect to be duly rewarded. Corruption, therefore, is 'vital' to the English Constitution and is condoned in its entirety by the adherents of 'the alliance discovered by Warburton between Church and State'.<sup>31</sup>

## 2. The Alliance of Church and State

Though it was an ingredient in his analysis Bentham's concern in Church-Of-Englandism was not solely or even principally to espouse his anticlericalism. His canvas was far broader than merely this. In particular the critique of the use of the Catechism in the National Society's schools, and the role of the Church in education generally, cannot be understood by focusing the vision so narrowly. The wider context of Bentham's attack on the National Schools Society, as it is, for his researches into the structure and practices of the Church itself, is his conception of the relations between Church and State, and what he found so offensive about this union. It is from the nature of this constitutional or political arrangement that all else stems. That it supplied the means to the institutionalisation of intolerant attitudes to other religions we have already seen, but even this is only a symptom, though admittedly a most mischievous one, of what Bentham perceived as a far more pervasive fault in the political and social structure of the English state.

In an early manuscript (c. 1773) headed 'Subscript. Alliance' Bentham's comprehension of the alliance of Church and State still lacked a full understanding of the sinister interests upon which it was founded, but the direction of his later train of thought was sufficiently indicated:

The alliance with the Church is beneficial to the State -- be it so -- But by what means? By the inculcating of the belief of a future State -- but not merely of a future State, but of a future state of Rewards and Punishments -- but not merely of Rewards and Punishments, but of Rewards and Punishments bestowed on men according to the influence of their actions on the happiness of the Society.<sup>32</sup>

Bentham here anticipates his later case against religious asceticism, that the belief in futurity as inculcated and encouraged by the Church is an instrument of social order by which men are made submissive to the authority of government. When this is coupled with his remarks on subscription and on penal laws against Dissenters of the same date, however, it is evident that the support which the institutions of Church and State drew from each other was a fact of which Bentham was well aware at the outset of his career. Consumed as he was by his legal studies the sinister dimensions of this relationship lay undeveloped in his thought for some time. In the early 1770's he had perceived certain mischiefs which resulted from the union of Church and State, but his perception was superficial. He had not yet penetrated to the seeds of the alliance; the notion of a 'sinister' interest had not yet entered his vocabulary. Nor had he thought beyond the conventional explications of the time which had their source in the classical defence of the alliance set out by William Warburton earlier in the century.

What were the ends that the union of Church and State served? In traditional terms its objects were three. First, to guarantee that Christianity was taught and dispensed to the people. Second, to ensure that the English nation observed Christian principles in its laws and government policies. Third, to facilitate the support which each institution afforded the other - just as religious sanctions are useful

to secure civil government, government is useful to the maintenance of religion.<sup>33</sup> It was commonly argued that an established Church was a necessary constituent of any civilized community. In a sermon of 1747 Bishop Butler announced that 'A constitution of civil government without any religious establishment is a chimerical project of which there is no example'.<sup>34</sup> Warburton set out an elaborate defence of this union in The Alliance Between Church And State (1736), and summed up his views on the matter in The Divine Legation Of Moses (1738) thus: 'In a word an established religion with a test law is the universal voice of Nature. The most savage nations have employed it to civilize their manners; and the politest knew no other way to prevent their return to barbarity and violence'. The reasonableness of the union is firmly grounded on its utility: 'whoever would secure Civil government must support it by means of Religion, and whoever would propagate Religion must perpetrate it by means of Civil government'.<sup>35</sup> Church apologists later in the century adopted a more realistic attitude to the union. Warburton's disciple John Brown and William Paley both justified the Church establishment on strictly utilitarian grounds: the Church must be protected because it is the means of inculcating religious truth. The abstract theory of a hypothetical alliance had no role in this justification. Church and State were simply aspects of the same society. The moral role of the State was defined by the fact of its Christianity, and the sanctions behind its claim to obedience were rooted in Scripture and in the religion of the Established Church. In other words, the limits to the claims of the State are prescribed by the law of God as interpreted by the national Church. What was meant by 'national' demanded not only official recognition by secular government of the status of the

Church, but also its active support in maintaining both the position and the privileges which the Church and its ministers enjoyed. In this respect, says the Church historian Elliott-Binns, even so-called 'liberal' churchmen, like Paley and Bentham's friend Samuel Parr, 'regarded the Church itself as a kind of government department; and organized religion as chiefly useful for preserving morals and supporting venerable institutions, as in fact the cement of the whole social structure'.<sup>36</sup>

Bentham was certainly aware of the nature of the alliance as defended by these churchmen in the eighteenth century,<sup>37</sup> but despite his recognition that all was not wholesome with the Church he concerned himself little with investigating the foundations of the alliance. Even after all his manuscript pages on the religious sanction, his close study of the impact of religion on morality in the Introduction, and his pleas for religious liberty, it was well into the nineteenth century before he began to question the purpose of the union of Church and State and to express views radically opposed to the very existence of established religion. As we have seen the seeds of this radicalism had been held in incubation for some time, but Bentham in full cry against the Church was a different proposition.

During the frustrating wrangles over Panopticon and other schemes for reform Bentham had had several occasions to notice how well the Church served the interests of the legal system and the political institutions of society. It soon came home to him not only that the Church, through its executive officers, was an obstacle to reform, something he had long suspected, but that through its alliance with government it promoted its own sinister interests at the cost of those of society, and as such was a principal source of misrule. This soon

developed into an interest in the extent of the Church's influence, and particularly in the increase of influence that a monopoly in education would ensure. In these terms Church-Of-Englandism is an analysis of Church influence intended to expose the reciprocal corrupt services that the Church and State perform for each other. As L.J. Hume phrased it, Bentham attempted to do this 'by showing firstly how the Church was fitted into the general, Crown-supporting network of influence and secondly what was its special contribution to the network'.<sup>38</sup>

It occurred to Bentham in the first place that 'the main root of all abuse in the field of religion and Government [is] an Established Church'.<sup>39</sup> In other words, the very fact that it was an establishment made it fertile soil for political patronage, and as such ensured clerical compliance with the wishes of secular government. The actions of the Bishops in the House of Lords and as local magistrates in upholding the wishes and statutes of their political masters, and the general moral and intellectual corruption perpetrated by the Church through a combination of doctrines and practices, were proof of the tutelage of the clergy. Now this legally privileged institution also sought a leading role in the education of the nation's young. This education was to consist principally in the inculcation of the tenets of the Church Catechism. The effect on the minds and morals of the nation's young Bentham believed would be disastrous. The purpose of his critique of the Catechism was to show the errors and deceptions inherent in the Church doctrines that the Catechism was meant to instill in the young. A 'mixture of error and insincerity', he argued, they cannot command rational assent,<sup>40</sup> and in the absence of such assent either these doctrines



are forced on unwilling persons or in their confusion people are persuaded to accept them on the basis of authority. In either case what may have been only a 'momentary mendacity' frequently leads to 'perpetual insincerity', and these are the circumstances in which a habitual dependence on authority serves the sinister interests of the Church.

An element in this deception is the misuse to which language is put. As we have seen Bentham described the process in the essays on language and logic. Lawyers and clergymen were Bentham's inveterate targets, since they were the principal agents and immediate beneficiaries of linguistic abuses. The employment of ambiguous language suffused with fictions was the main source of confusion and deception. It will be remembered that the word 'church' itself was examined by Bentham in the 'Essay On Logic' and its ambiguous nature revealed. From a word meaning a place of worship, a place of 'particular awe and reverence' founded on 'a mixture of terror and respect', its meaning was completely altered when 'by an easy and insensible transition, this mixture of respect and terror came to extend itself, to, upon, and to the benefit of, the class of persons in whose hands was reposed the management of whatsoever was done in these holy places: holy functions made holy places, holy places and holy functions made holy persons'.<sup>41</sup> Paraphrastic analysis reveals the ambiguous nature of the term: the 'holy female' is now invested with more holiness than 'the aggregate mass of holiness composed of the separate holinesses of the several holy males of which she was composed ...' According to Bentham's nominalist metaphysics the whole could never be greater than the sum of its parts. Hence, he concludes, it is the

vagueness of language that lies behind the creation of a Church (the Anglican Church) that is to be obeyed, capable of being disobeyed, and therefore of being violated or threatened.<sup>42</sup> The need for secular protection is thus made apparent and supplies a convenient defence of the union of Church and State. As Bentham put it in an unpublished manuscript for his aborted work on the 'Church': 'The whole constitution is held up to view in the lump: its excellence is pronounced: and the whole being thus excellent, such it is asserted without ceremony, each and everyone of them - this among the rest - one of its parts. Such then is the mode - the only mode in which any thing by way of defence is attempted'.<sup>43</sup> The defence is, however, an appropriate one, since 'whoever is engaged by interest in the support of any one government abuse, is engaged in the support of all, each giving to the others his support in exchange'.<sup>44</sup>

Yet the extent of the reciprocal corruption of Church and State is barely understood even by those close enough to perceive it. In the manuscript pages of the original Appendix III to Church-Of-Englandism (omitted for reasons of space), Bentham outlined a recent occasion when the influence at work in the union between Church and State was crudely employed in the cause of corruption. A man named Abbot, a Justice of the Peace and brewer of ale in Canterbury, was charged with using '... "adulterating ingredients in his beer, whereby ... not merely the revenue is defrauded but the health of His Majestys (sic) subjects highly endangered."<sup>45</sup> Abbot was able to obtain memorials for his defence from several notables including Dean Andrews; at that time the Dean of Canterbury and Rector of St. James, which were presented to Chancellor of the Exchequer Vansittart. The Dean claimed to be defending

Abbot from the perpetration of an injustice, but in actuality, says Bentham, he used his influence with government to prevent justice from taking its proper course. The conspiracy is unashamedly performed; all that is required is a letter from a high-ranking churchman to one of His Majesty's chief ministers. There is no mystery involved: 'the possessor of the overpaid place and the sinecure - the place for which little is done and that little useless - and the possessor for which nothing at all is done, or so much as undertaken to be done - these two, are as is the custom, one'.<sup>46</sup> The outcome of the Dean's petition was that the prosecution against Abbot was dropped (23 November 1814) by order of the House of Lords.<sup>47</sup> What this shows is that the solidity and significance of the alliance between Church and State cannot be exaggerated, that its impact reaches to all levels of society and political life.

Not surprisingly all efforts to mitigate the corruption fostered by the alliance meet with stern opposition from the clerical ranks. Even the smallest encroachment upon their power and influence sends churchmen into outrageous moods of defiance. "The Church is in danger!" was a cry heard by Bentham on too many occasions when reform was being discussed. In the Handbook Of Political Fallacies he offered a caricature of a clergyman who on hearing the demand for "No sinecures!" does not fail 'to join in the shout of "No innovation! Down with the innovators!" in the hope of drowning out, by these defensive sounds, the offensive ones ...'.<sup>48</sup> The protection of abuses is the sole object in view and the tactics used in defence are predictable: 'To each and every question having in view some reform or improvement in the official establishment, the answer is one and the same: "You are an enemy to the Church, monster, anarchist, Jacobin, leveller, and so on."'.<sup>49</sup>

### 3. Education: The Lancasterian Controversy

The role of religion in education was a contentious topic of discussion during the early decades of the nineteenth century. In 1797 Andrew Bell published his account of the "Madras System" (first adopted in the Charity School of St. Botolph's, Aldgate), and a year later the Dissenter Joseph Lancaster opened the nonsectarian Borough Road School in which the teaching was conducted according to a monitorial plan, subsequently known as the Lancasterian System. Bell's religious lessons were carried out strictly in line with Church principles; Lancaster would have nothing but the Bible. The Dissenters saw in the Lancasterian System a means of promoting education among the poor which was both effective and cheap. The debate came to a head in 1805 when George III subscribed to the schools being established by Lancaster, declaring his wish that every child in his dominions should be taught to read the Bible. Few could have foreseen the trouble this would cause. The king's expression of goodwill for the Lancasterian schools soon raised the question whether it was safe to teach the Bible without the safeguard of an authorised interpretation. Mrs. Trimmer, a noted advocate of the Sunday School movement, was among the first to express such doubts. It was she who claimed that as a schismatic Lancaster was weakening the Established Church, and stigmatised his "schools for all" as training schools for the coming revolution.<sup>50</sup> In a public lecture Coleridge read a passage from the book in which Lancaster explained his methods, which he then roundly denounced, comparing the Lancaster schools to prisons, 'and flung the book to the ground with a theatrical gesture of disgust'.<sup>51</sup>

The real question, then, was between the Established Church and Dissenters as to whether the Church Catechism or the Bible was to be used in religious instruction classes. The controversy aroused great bitterness between the contending factions and a scurry of activity. In 1809 the ~~Dissenters~~ formed the Royal Lancasterian Institution (from 1814 the British and Foreign School Society) with the patronage of the Prince Regent, and the Duke of Bedford and Lord Somerville as its presidents. It was the alarming progress made by the Institution in establishing schools that made the Church turn to Bell as the convenient instrument of their rival organization, and in 1810 the Church resolved to establish its own school system. The National Schools Society was founded in 1811.<sup>52</sup>

Bentham entered the fray wholly disaffected with the entire ecclesiastical system. Like James Mill he was convinced that the Church had only established the National Schools Society in order to thwart the efforts of Lancaster and others to establish nonsectarian schools. In his eyes this was just another attempt to keep the people in subservience, blind to the corruption so rife within a society dominated by the 'alliance'.<sup>53</sup> Already in the outline for his abandoned work on the 'Church' he was fully aware of the Church's sensitivity to criticism. Even to set out to examine the ecclesiastical establishment was to some a sign of hostility: 'it is to many alarming that the characteristics of their religious persuasion should be made subjects of examination'.<sup>54</sup> The Church has always found it useful to be in a state of danger. Now, under the pretext that it is threatened by the non-established religions, the Catechism is being employed to counter the threat posed by Lancaster's use of the Bible. It is argued that if Lancaster's schools spread 'the

Bible might prevail over the Catechism, and the Church of England might then be brought to an end'.<sup>55</sup> This fear, says Bentham, is borne out by the National Schools Society's first report of 1812, in which it is declared that the national education should be founded on the national religion on the grounds that 'if the great body of the people be educated in other principles than those of the Established Church, the natural consequence must be to alienate the minds of the people from it, or render them indifferent to it, which may, in succeeding generations, prove fatal to the Church, and to the State itself'. The justification for introducing the "Madras System" formulated by Bell is the preservation of Church and State: if the Catechism is not substituted for the Bible the Church will fall, 'and from thence the inference is - that the State, i.e., the Constitution of the State, will fall along with it'.<sup>56</sup> None of this, however, is to the point, says Bentham. The real truth is that the clergy have for long neglected their duty as instructors of the people and are now induced to fill the role for an entirely selfish reason. Having neglected Bell's system for the past thirteen or fourteen years they now enlist it to combat the Lancasterian System; it is now thought to be the indispensable instrument for the preservation of the national religion. But all that this means, argues Bentham, is the preservation of 'their own worldly and anti-Christian power, their own factitious dignities, their own over-paid places, their own useless places, and their own sinecures'.<sup>57</sup> Moreover, funds 'levied by forced contributions' from all Englishmen regardless of religious persuasion, and which might have found their way into the non-sectarian Lancasterian schools, are now employed to support a system that excludes a large number of the nation's children from receiving an education.<sup>58</sup> What this high

level of capital investment in the system of education established by the National Schools Society also proves, says Bentham, is its moral bankruptcy, since it is apparent that 'no man would ever embrace it gratis, and upon conviction, ... if he were not either paid for so doing, or living under the expectation of being paid for it'.<sup>59</sup>

The lack of genuine religious motivation in this affair is clearly held up to view: the main, not to say the only consideration, is 'the support so much needed by the Church of England'.<sup>60</sup> Such is the degree to which 'worldly anxiety' is ascendant over 'decency' that the character of Christianity is hardly professed to be regarded in any other capacity than that of 'a state engine':

an engine, employed in the manufactory of the matter of corruption, for a cement in the Warburton Alliance between Church and State: a cement for the wall of defence built up for the protection of the whole stock of over-paid places, needless places, mischievous places, and sinecure places, sacred and profane.<sup>61</sup>

In these terms religion is merely a tool of control to serve sinister interests retaining no spiritual value whatever. The will and the understanding lie prostrate before the impositions of the ecclesiastical establishment. The consequence is that 'Church falsehoods and Church sinecures' are 'regarded not merely as objects of indifference, but as sacred'. Such are the terms, says Bentham, of 'the too well established and by the ruling few too generally understood and fulfilled terms - of the insolently trumpeted, and too really existing, Alliance, - between Church and State'.<sup>62</sup>

The role of the Bishops, with their guaranteed seats in the House of Lords, Bentham had for long singled out as a principal obstacle to reform. In the battle to thwart the efforts of Lancaster they were once

again to the forefront. The actions of Manners-Sutton, the Archbishop of Canterbury (1805-28), in particular were singled out by Bentham for close scrutiny.<sup>63</sup> In a letter to Place in January 1818 he announced his intention to enquire of the Unitarian William Smith 'for some good behaviour' of the Archbishop 'to set off against his misdeeds in the business of the National Society ...'<sup>64</sup> In Church-Of-Englandism he is the villain of the piece, the 'false Christ' whom Bentham is determined to expose.<sup>65</sup> His criticisms of Manners-Sutton must be seen against the background of his long-standing antipathy to the power of the Bishops in political affairs,<sup>66</sup> but they have a more specific focus than merely this: the Bishops are portrayed as the perpetrators of a 'fraud' who have deliberately introduced exclusionary policies to serve their own sinister interests. From a close, and it must be said tedious, study of the first three reports of the transactions of the National Schools Society (1812, 1814, and 1815) Bentham concludes that the establishment of the 'Exclusionary System' was the designed object of the Bishops from the first, and that the publications of the proceedings of the society reveal that its work is really the product of one or possibly a few of its members and not of the many notables it lists as having attended and taken part in its deliberations. The inferences he draws from this are:

- '1. Of the institution of this Society, the ultimate object has not been the advancement - either of intellectual instruction in general, or of the religion of Jesus.
2. Of this same institution the sole ultimate object has been - the preserving from reformation the abuses with which the Church of England establishment is replete.'

<sup>67</sup>



The 'fraud' Bentham refers to is the manner in which decisions are made by the Society, and behind his criticism surely lies his distaste for decisions made by 'bodies' of persons. The absolute necessity of individual responsibility was a cardinal principle with Bentham. 'A board' he wrote on one occasion, 'is a screen'.<sup>68</sup> The reports issued by the General Committee of the Society are 'spurious' and 'purposely deceptive'. Those responsible are the Archbishop and the Society's secretary, the Rev'd T.T. Walmsley.<sup>69</sup> The reports are spurious in so far as they represent decisions 'as having had the actual concurrence of the whole body' when in most instances they have been the work of only one member of the Society, its President the Archbishop. They are 'purposely deceptive' in so far as there has been a deliberate attempt to persuade that the acts of the Society were the result of the deliberations of various committees or of the General Committee, a list of the 250 members of which is published in each report.<sup>70</sup> Moreover, in the reports there are discrepancies between the lists of contents and the substance of the papers themselves, particularly where the allocation of funds is concerned. What made the 'fraud' a more serious matter in Bentham's eyes was the fact that the Archbishop and all the Bishops were implicated in the deception. The business of the Society, he charges, is 'in altogether unfit hands', the hands of 'impostors'.<sup>71</sup> In appearance the Bishops form only a part of the Society; in effect they form the whole. Hiding behind a tissue of imposture they approve the activities of the Society as a body though only a few are ever seen to actively promote its interests: 'the intolerant part of the Bishops and their adherents, being but too probably the major part, continue in this way to enjoy the benefit of wickedness, without standing exposed to the disgrace

so justly due to it ...<sup>72</sup> Bentham went into extraordinary depth in his scrutiny of the Society's reports in order to expose the misrepresentations of its committees, their fictional meetings, the fictional persons who attended them, and where and upon what date the decisions of the Society were said to have taken place.<sup>73</sup> The claim of Report III (1815) that many of the first men in the Church and in political life have been consulted about the tasks of the Society is a 'mere invention', he claims.<sup>74</sup> It is also noted that at all the deliberations "his Grace was constantly presiding".<sup>75</sup> But at what deliberations and in what manner presiding? asks Bentham. All this 'secrecy' surrounding the formation and activities of the Society needs explanation, and Bentham finds it in the motives which lay behind the 'mystery':

1. Fear of the odium, so justly attached to the exclusionary system .... 2. Unwillingness to let it be seen, by how small a portion, of those to whom the right of co-operating could not but be imparted, .... 3. Advantage seen, in the great facility afforded by the darkness with which the face of this deep was covered: - the facility of practising upon the country ... the imposition that consists in causing men to believe that bodies of men ... have throughout been bearing a part - in a business, which throughout has been in truth the work of one and the same individual .... 4. Convenience, afforded by the exclusion, applied not only to all witnesses, but even to all discussion itself ....<sup>76</sup>

Here then is the 'fraud', planned and executed from the beginning by the Bishops - those 'Figurantes on the politico-religious theatre'.<sup>77</sup> By their conduct they have forfeited whatever claim they might otherwise have had to the trust of the people; they have proven themselves to be morally untrustworthy.

Bentham's second charge was that the Church, through the actions of its Bishops, was pursuing a policy of exclusion by only admitting the children of professed Anglicans to its schools. This policy is founded upon the desire of the Bishops to inculcate into the minds of the youthful poor the 'fixt principles' of the Church. In the light of the Church of England's separation from Rome, Bentham found this notion of 'fixt principles' absurd: 'Schismatics and heretics to boot, self-separated from the original Church of Rome, the Church whose principles had been fixt for almost as many centuries as [those of the Anglican Church have] been for dozens of years'.<sup>78</sup> If tradition was to be the arbiter of 'fixt principles' then let the Archbishop 'go to Rome - prostrate himself at the feet of the original Holy Father and then, and not till then, let him call upon us to prostrate our understandings and wills before their fixt principles'.<sup>79</sup> In the name of these 'fixt principles' the system is employed to exclude one part of the community of the poor from education, while compelling the other part 'to come within the pale of the church dominion ...'.<sup>80</sup> The zeal of the clergy is to be deplored and their methods are to be condemned. The punishment they threaten for the refusal to adhere to the creed of the Church is exclusion from their schools; the reward for compliance is instruction. Where arguments are wanting the recourse will ever be to the sanctions of reward and punishment to influence the will, but this is to misapply sanctions because the end in view is that of a particular interest and not that of the well-being of society. Was it not, Bentham asks, God's intention to redeem all mankind by the birth and death of Christ? The clergy act contrary to this belief and to God's intention by restricting the benefits of education to 'a comparatively minute portion of those who profess the religion of Jesus'.

The intention of the clergy is to instruct no one,

other than those who, in the character of subjects to their governance, are content to be perpetual contributors to those riches, in which they put their trust; to that power which they abuse; to those factitious dignities, with which they deck their names; to that purple, and that fine linen, in which they strut; to those pomps and vanities, which in their babe and suckling state they renounced, and they are seen with so much anxiety mounting guard upon, in their Church regnant and Church militant state.<sup>81</sup>

The 'exclusionary principles' of the Church are clearly indicated in the reports of the National Schools Society. The report of 1812 announces that the Society will only contribute financial support to those schools in which the school-masters are members of the Anglican Church. This practice Bentham refers to as 'bribery'.<sup>82</sup> The list of books recommended for use in the schools in this report is meant to ensure that the curriculum of the schools is uniformly determined.<sup>83</sup> In addition the report of 1815 requires that no school-masters '... "take upon themselves to originate any variations from the practices of the Central Schools."' This rule, Bentham remarks, is 'the natural product of that mixture of pride, and jealousy, and fear, and indolence, and imperiousness, which characterises little minds in great places ...'<sup>84</sup>

What are we to make of this attack on the Church's involvement in education? There are certainly grounds for supposing that Bentham and James Mill were correct in the view that the Church only took an interest in educating the children of the poor after the Lancaster schools began to appear, that much needed funding was subsequently redirected as a consequence, and that only the children of professed Anglicans were to be instructed in the schools established under the auspices of the National Schools Society. All these are good reasons for criticism, but frequently

Bentham sacrificed the persuasive force of his critique by burying it beneath the tedious detail of his analysis of the reports of the National Schools Society and the exhausting repetitiveness of his accusations that the Bishops were engaged in fraudulent activities. One is left aghast that he could have expended so much time on such matters. We might also wonder how Bentham avoided prosecution. His invective against the Bishops was surely libellous and it is difficult to imagine a magistrate in the troubled days of 1818 having any difficulty in bringing a charge of "blasphemy" against the old sage. Yet it is probable that few ever managed to muddle their way through the more than eight hundred pages of exhaustive detail that constitute Church-Of-Englandism.

#### 4. The Church of England Catechism

The exclusionary policy of the Church of England, says Bentham, is not only repugnant to morality but also to the religion of Jesus. The substantial basis for this charge is the fact that in the National Society's schools the Church of England Catechism is substituted for the Bible.<sup>85</sup> When the Church found itself threatened, or so it claimed, by the Nonconformist religions the Catechism was employed as the principal instrument of reprisal. Lancaster used the Bible in his nonsectarian schools; the Church turned to Bell's "Madras System" in which the Catechism was the vehicle of religious instruction. The reasoning of the ecclesiastical establishment, per Bentham, is disingenuous:

Should the system of Lancaster spread, and become universal, - the Bible might prevail over the Catechism, and the Church of England might thus

be brought to an end. - Dr Bell was taken up, -  
and, with the Catechism in his hand, employed  
to defend the Church against the Bible.<sup>86</sup>

The note of irony in Bentham's invective is evident, but it has its source in a genuine grievance: by making the Catechism the key-stone of the curriculum in the schools of the National Schools Society the Church is guilty of carrying out a deliberate scheme of 'anti-christian exclusion'.<sup>87</sup> Anti-Christian, Bentham maintains, because the Catechism is the 'formulary' of the Church, a 'bad substitute' for the Bible, and more especially the means by which Church-of-Englandism is substituted for the religion of Jesus.<sup>88</sup> Having only the Catechism and not the Bible before them children come to revere the first and not the second; it is the Catechism which becomes 'the object of faith'.<sup>89</sup>

There is a poignant memory attached to Bentham's attack on the use of the Catechism in schools. As a child, he tells us, he suffered greatly as a consequence of the 'inability to beat into my memory the words' of an exposition of the 'formulary'.<sup>90</sup> It is his purpose now to expose its 'poisonous nature'. The assumption of infallibility implicit in the imposition of the Catechism by the Church Bentham found particularly galling in the light of its manifest defects. Arguments that the Bible is complex and needs interpretations are quietly ignored; to Bentham the Catechism is 'spurious matter' which children will not be any the better for having learnt 'by heart'. Only The Lord's Prayer is found in its entirety in the Catechism, 'of the sacred text, not a syllable is administered ...' As such the Catechism can only be viewed as a vehicle for maintaining the interests of the Church: 'The only matter of a religious cast which is really intended to be administered with effect ... is the matter composed of the words Holy Mother Church ...'<sup>91</sup> The

Catechism fails to give a 'true picture' of Christianity because 'to give a true picture did not suit the personal interests, nor therefore the purposes and designs, of the authors of this formulary'.<sup>92</sup> In replacing the genuine accounts of the discourses and acts of Jesus it has in effect replaced his religion.<sup>92</sup> However, Bentham is little concerned with this line of argument; he introduces it principally for tactical purposes. In truth he has no more use for the Bible (save as a fruitful source of useful quotations, as in the case of 'Swear Not At All',) than he does for the Catechism. His case against the use of the latter in schools is built upon the strictly utilitarian ground that it would be detrimental to both the intellectual and moral parts of man's frame should the principles it contains be inculcated in the minds of the young.<sup>94</sup>

Central to Bentham's argument is the distinction he draws between the understanding and the will. The former is that to which argument appeals and which can be won over by the persuasion of reason; the latter is the source of the volitions upon which we act and is formed according to the motivation provided by the sanctions of pleasure and pain. The reasonable man, one assumes, acts according to the apparent reasonableness he perceives in the proposed action. Where reason does not prevail the will can be directed by the inducements of pleasure or the threat of pain. At the bottom of Bentham's charge that the employment of the Catechism in the National Society's schools results in the deterioration of the child's reason, is the acknowledgement that the clergy fully understand the human psyche and is all too willing to employ methods calculated to influence, to shape and control it.<sup>95</sup> The sinister

character of this control does not depend on the personality of the person who administers the Catechism, but on the nature of the interaction between him and the persons to whom it is administered. The distinction Bentham draws between sinister and benign influence is based on the contrast between the action of will on will and the action of understanding on understanding. In Bentham's moral system the appeal to rational argument, that is to consequentialist calculation, was the proper and acceptable mode of one person's having an influence upon the mind and actions of another, but the over-powering of one will by another, save with the aid of legal sanctions designed to further the public good, was an improper and therefore a sinister mode of influence.<sup>96</sup> That the Catechism contains matter tending to the 'prostration of understanding and will', Bentham claims, is even avowed by the Bishop of London, who specifically states it as the aim of the National Schools Society and the reason for employing the Catechism.<sup>97</sup> In A Charge To The Clergy Of London Bishop Howley set forth the Church's position as follows: those of the nonconforming sects outside the pale of the Anglican Church are '... "generally" ... men of some education, whose thoughts "have been little employed on the subject of religion; or who, loving rather to question than learn, have approached the oracles of divine truth without that humble docility, that prostration of the understanding and will, which are indispensable to proficiency in Christian instruction."<sup>98</sup> But a mind which is prostrate, argues Bentham, is 'a mind in the lowest state of debility'. Nor is it the case that the understanding and will are prostrate before God; they are prostrate before the Church and its formulary and hence the prostration is of 'man before man'.<sup>99</sup> It is



thus that 'the grand and avowed object of the Bishop of London's labours - the prostration of understandings and wills - is accomplished'.<sup>100</sup>

In this manner psychological sources of influence are used to serve a sinister end - to infuse obsequiousness generally among the people. The unquestioning subservient child will become the unquestioning subservient adult and the Church will thereby be protected from criticism of its actions while its privileges are made secure.

One of Bentham's chief complaints about the use of the Catechism is that like subscription it inculcates a habit of insincerity. The practice of demanding a child's assent when the child is too young to understand that to which it is assenting 'is neither more nor less than to take the child in hand, and force him to tell lies ...' The consequence of this is that the child will 'contract the habit of lying ...'.<sup>101</sup>

As we saw in the previous chapter this was a grievance very close to Bentham's heart, and Church-Of-Englandism, he says, was published as a kind of atonement for his 'sin' of perjury at Oxford. It is, he claims, his 'duty' to provide 'reparation' by 'repentance'.<sup>102</sup> The religious tone of his language can hardly be missed but Bentham was sincere enough; what he says here is surely indicative of the long-felt bitterness he experienced over the ordeal to which he was subjected as a young scholar at university, and which he found in later life a perpetual cause for complaint. The mode of instruction employed by the Church in conjunction with the Catechism was another source, and perhaps the most significant source, of the insincerity which the Church had reduced to common practice. What form does this insincerity take when a child subscribes to Church doctrines when the Catechism is used? In the first

place, the child vows to "believe all the articles of the Christian faith." This is a promise to believe an innumerable host of things hardly any of which are understood.<sup>103</sup> This, claims Bentham, strikes at the root of all religion and all morality: 'forasmuch as, in giving utterance to this mass of absurdity, the child is forced to say that he believes it, - while, at his years, at any rate, to believe it is not possible, - thus it is that the duty and practice of lying forms part of every Church of England child's first lesson ...'<sup>104</sup> Nor is this mendacity confined to the instance of avowal. Indeed it is something which stays with the child for life; it inculcates the habit of lying, of insincerity, the notion that it is acceptable to assent to Church doctrines which are not understood and hence cannot be believed.

Those articles of belief which Bentham particularly singles out as absurd or lacking in any sense include the notion of the devil as God's protagonist, the idea that God was conceived by the Holy Ghost, the claims that Christ was born of a virgin mother and that the son of God died a mortal death, and the doctrines of the Trinity and the Communion of Saints. In treating of these various propositions he turned his irony to good effect, but it is his theory of language which lies at the heart of his analysis. Never could there have been a subject so open to an attack founded on the demand for definitions and clear and unambiguous language as the Church of England Catechism. We need not, however, follow Bentham through his entire critique; its character is readily conveyed by a few brief examples.<sup>105</sup>

The doctrine of the Trinity Bentham found to be a glaring example of a proposition contained in the Apostles' Creed lacking any obvious sense, but in which children are expected to avow belief. To profess belief in the Holy Ghost is to utter 'sounds without sense; mere words without meaning'. If the Holy Ghost is the Holy Spirit of God why do we need to profess belief in both God and his spirit? 'Believing in a man, what more do you do, by believing in his spirit likewise?' It is only to 'string words upon words, - and then, for every word, believe, or pretend to believe, that a correspondent really existing object is brought into existence'.<sup>106</sup>

Words must correspond to objects, to real entities, according to Bentham's metaphysics, or they must be capable of reduction by paraphrasis to real entities. If neither is true or possible then the word is a fiction generating confusion and capable of misapplication in unscrupulous hands as a means of deception. The article of belief in 'the Holy Catholic Church' is another case in point. Is it the Church of England that is meant here, asks Bentham, or is it the Roman Catholic Church, the Church of the Papists, who once persecuted English Protestants? What is it that makes the Church holy? The article is a confused proposition to which no explanation is so much as hazarded. But if the 'poor child' were to think upon the subject 'how distressing must be the perplexity, into which he here finds himself plunged?'<sup>107</sup>

The Apostle's Creed, then, is a mass of confusing propositions to which the child is made to give his assent without any understanding of what it is he has assented to. He is made to declare 'that he believes whatever is thus forced into his mouth, without knowing so much as who it is that put it where it is, much less what it is'. The only thing learnt from this

mode of instruction is 'the art of gratuitous assertion - the art of speaking and writing without thinking - and the art of making groundless inferences'.<sup>108</sup>

In another exhausting analysis Bentham has many other criticisms of the use of the Catechism in the schools of the National Society. The explanations of the sacraments of baptism and communion are given much attention and found, according to Bentham's literalist interpretation of the New Testament, to have received no sanction from Jesus.<sup>109</sup> For the sacrament of communion he has harsh words. The transubstantiation or metamorphosis of bread and wine into body and blood 'is the pure grim-gribber of modern technical theology ...' In Luther's reform of Roman Catholic theology the body and blood of Christ are said to accompany the bread and wine. This theory of consubstantiation Bentham calls 'the adulterated grimgribber', and finds it a source of even greater confusion than the theory of transubstantiation: 'On the con plan the mess has more matter in it than in the trans: and the more the worse'. The whole idea of communion is for Bentham 'cannibalism'. The trick in the explanation, he says, is to refer to the 'spiritual sense' of the proposition; this is the appeal to a 'purer' and 'superior' sense than that of the 'carnal' or 'temporal' sense. It is by such means that something false or absurd becomes true or reasonable. If there is a mind to subdue this is the way to do it, by introducing 'the spiritual sense - alias the nonsensical sense'.<sup>110</sup> Bentham suggests Christ's example of washing the feet of his Apostles as a more instructive ceremony for the clergy as a whole to follow in regard to their congregations, though he acknowledges that the Bishops are hardly likely to stoop so low.<sup>111</sup>

Bentham's final criticism of the use of the Catechism is that it lacks any references to the Bible and completely eschews Scriptural quotations, a practice, he says, which incurs 'the just suspicion of misrepresentation'. The Presbyterian Church of Scotland supplies both quotations and references to the Bible in its formulary, and this is just as it should be in any summary of Scripture used for instruction.<sup>112</sup> Again Bentham reiterates the point that it is not the word of Christ but the 'interpretation' put upon Scripture by the Church before which the children in the National Society schools are to prostrate themselves. There is to be no further appeal, for this says the Bishop of London is "arbitrarily imposing a meaning unwarranted by the usages of language, on that book ..."<sup>113</sup> The 'oracles of divine truth' are to be found in the Church Catechism and not in the Bible.<sup>114</sup>

The 'avowed object' of the Bishops in enforcing the use of the Catechism 'is neither more nor less ... than a system of slavery; of intellectual, and thence, as a necessary consequence, of moral and corporeal slavery ...' The National Society's schools are the 'instruments' of the 'tyrants and sub-tyrants' in the ecclesiastical hierarchy. The consequence is 'ill will towards men' and 'from ill will, oppression and persecution'. The genealogy of this bitterness is transparent to the discerning mind:

From imaginary grace, imaginary mystery, imaginary sacrament, come imaginary blasphemy, imaginary sin; from imaginary sin, comes real antipathy; and from men, in ruling and otherwise influential situations, real oppression, and real persecution; on that one part; real suffering on the other: - for, by the imaginary sin, is produced, in the ruling breast, along with antipathy, a pretense for gratifying it.<sup>115</sup>

The declared object of making good men and good Christians by instructing them in the Catechism is only true, claims Bentham, if by that is understood the subjection of the Many to the Few. The formulary is poisonous to both the moral and intellectual parts of man's nature.

The remedies Bentham suggests for the evils of Church education are aimed directly at ameliorating the exclusionary aspects of the system. Though his preference is for secular education he does not declare outright for the abolition of schools operated by the Church, at least not in Church-Of-Englandism. His first suggestion is that any texts used in the schools which include matter to which the children of non-Church of England parents cannot sincerely subscribe must be eliminated from use. All that should remain as far as religious instruction is concerned are those discourses of the New Testament ascribed either directly to Jesus or to one of his four 'biographers'. Second, Bentham argued that the laws restricting teaching licenses only to those who subscribe to the doctrines of the Anglican Church must be abolished. Given these changes no child would be forced to profess personal belief to articles of faith contrary to those of its parents, and the children of 'heretics and unbelievers', would not be excluded from instruction.<sup>116</sup> Bentham, of course, expected little from the Church in reply to his accusations and suggestions for reform. Nor should we think that he would have been content with such compromises even if they became feasible. If once established religion could be banished from the schools the next target would certainly be all brands of religion whatever.

## 5. "Euthanasia": Disestablishment of the Church

Bentham tackled the abuses of the clergy of the Church of England in Appendix IV of Church-Of-Englandism under four headings: vices of doctrine, vices relating to service, vices relating to pay, and vices of discipline. As we have already spent enough time on what Bentham considered vices of doctrine they need not detain us. They can be reduced to two: i) the claim to 'infallibility' presumed by the clergy on 'no other ground than that of the temporal power possessed by them ...'; and ii) the forced subscriptions to articles of faith in oaths, the Catechism, and Church ritual which lead the people not only into error, but to an insincerity that restricts the free exercise of their judgement.<sup>117</sup>

Vices relating to service are usually the consequence of the manifest unfitness of most clergymen for their profession. The instruction of their parishioners is a duty they rarely perform. Non-residence and pluralism exacerbate this failing. Though worship outside a Church is a punishable offence there are parishes without churches and frequently churches inadequate for the number of parishioners. It is not uncommon also to find churches situated in a remote part of the parish making it inconvenient for a large proportion of its inhabitants to attend the services and receive religious instruction. Finally, Bentham finds it particularly appalling that pews are reserved for the rich of the parish at the expense of the 'unopulent many'.<sup>118</sup>

The vices relating to pay turned mainly upon the often heard complaints about tithes and Church rates. Everyone in the parish was required to pay tithes and rates regardless of religious affiliations or beliefs or levels of material wealth. Tithes were a levy raised by the Church in country parishes from all occupants of property, save those who could establish

their destitution. The proceeds were ostensibly used for the upkeep of the church, to provide materials for services, and to pay the salaries of the pastor and his clerk. 'In a widespread and mundane fashion', writes one commentator, 'the matter symbolized the whole question of maintaining a Church establishment and its privileges'.<sup>119</sup> Church rates, which applied to both town and country parishes, proved to be even more provocative in the embittering of relations between the Established Church and the Dissenters who saw it as an unjustified imposition.<sup>120</sup> There was also the Church-building tax to consider. Bentham wrote to Q'Connell that 'not only non-Church-of-Englandists, but Church-of-Englandists themselves object to be taxed for addition to be continually made to the existing number of rests of reverend sinecurists'. The mischief it creates is 'the taking the money by force out of the pockets of the proprietor, and adding it to the mass of the matter of corruption by which, with such unhappy success, men are urged to profess to believe that which they disbelieve'.<sup>121</sup> Where tithes and rates are high they are oppressive, says Bentham, and where payment is excessive it often seduces the minister away from his duties to pursue other pleasures.<sup>122</sup> Here again the Scottish Church compares favourably with the Anglican. In Scotland tithes are not raised from all and sundry at a set rate, but 'are as rent charged on estates' which it is not open for the exertions of the priest to increase.<sup>123</sup>

Finally, Bentham considers vices relating to discipline. The Church hierarchy, he claims, has so many levels that it produces a confusion in the ordinary mind. The authority of the Bishops in this hierarchy he finds particularly oppressive. Their position in the Lords 'fills them with pride and ambition: and sets them to exercise temporal dominion over their



fellow priests ...' For this power they are responsible to no one; they exercise it 'singly, secretly, without need of discussion before or by others ...' Their power is, therefore, a 'corrupt despotism'. This power is facilitated by the ecclesiastical courts whose law and judicature is both complicated and corrupt, swelling the patronage available to the Bishops.<sup>124</sup> The court system itself is 'a remnant of that system of despotism called the Roman, alias the Civil law ...' As the judges are the appointees of the Bishops nepotism is common, and as in profane judicatories the sole object of technical procedure is 'maximization of delay, vexation, and expense ...'<sup>125</sup>

Bentham's suggested remedies for these vices are meant to achieve two objectives. The 'positive' objective is to make religious instruction and worship 'beneficial to the joint interests of piety, morality, and economy ...' The 'negative' objective is to introduce reforms in such a way as 'to produce as little disturbance as possible to established habits, expectations, and prepossessions'. In general his proposals follow principles laid down elsewhere in his writings and which he was to introduce again later on in the Constitutional Code. Pay should be equated with service and all excesses turned over to the government; changes should be so ordered that no one will suffer unnecessarily in regard to powers, dignities, or pecuniary interests; and the system of Church discipline should contract 'as the existing functionaries drop off', to be replaced gradually by a system characterized by 'efficiency, simplicity, and frugality'.<sup>126</sup> However, all the remedies proposed according to these general guidelines are intended as just so many steps in the gradual disestablishment of the Church of England.

As regards remedies related to service, in the 'Church' manuscripts Bentham suggests that just as in any other sphere of public administration 'the mode of appointment should be that which affords the best promises of relative aptitude'. In an interesting parallel with the democratic flavour of his later politics, Bentham considers the election of pastors by their congregations to be the best method of achieving this aim, on the grounds that since it is they who will pay him they will make a well considered choice. It is, he says, 'absurd in one degree if he is chosen by less than the majority of his flock, still more, if chosen by one of his flock only -- but greatest, if chosen by person or persons not of his flock'.<sup>127</sup> Bentham's aim, of course, is to weaken the Church hierarchy by having the local clergy, as in some Nonconformist religions, chosen by and responsible to the local congregations. This preference for congregational control was grounded on explicit criteria of sound management: 'In the English Established Church may be seen the forms of discipline without the substance: in the Scottish form and substance both: in the Non-Established Churches, no form, but nevertheless the substance, and this but the better for being without the forms'.<sup>128</sup> But Bentham has more radical suggestions than even this. He proposes that the duties of reading the liturgy and sermons in services be taken over by competent members of the congregation or appointed clerks. The sermons should be chosen from a collection compiled and authorised by the Church. Ignoring his own earlier pronouncements against doctrinaire preaching, Bentham believes that this would reduce the financial burden of paying a minister and at the same time exclude 'the two great bugbears, heresy and schism' from being preached from the pulpit.<sup>129</sup> The work of the minister is to be reduced to that of

performing acts of beneficence around the parish. In a manner symptomatic of Bentham's thirst for statistics, he suggests that in order to perform these duties the better the minister will require knowledge of the 'science' of 'Pastoral Statistics'. He will need to have at his disposal data regarding population figures, the material circumstances of his parishioners, and knowledge of their dwellings. Residence will not guarantee that the minister will acquire the knowledge of 'pastoral statistics', but it is impossible for those who are not resident in their parishes. Non-residence, therefore, is to be abolished.<sup>130</sup>

The remedies regarding pay have their source in Bentham's opposition to the financing of the Church by involuntary taxes. When coupled with sinecurism, non-residence, pluralism, or non-performance of duties, this payment is 'obtained on false pretences, ... by that species of immorality' commonly known as 'swindling'. Clergymen, by Bentham's reckoning, should only receive payment for services performed in point of quality and quantity, and not as attached to the office or particular living they possess. At the present pay is in inverse proportion to duties performed. It seems that the more a minister is paid 'the more powerfully is he drawn from, and set above, the habit of holding, and disposition to hold, intercourse with those persons, by whom ... his services are most needed'.<sup>131</sup> As to the calculation of pay, Bentham suggests that on the death or removal of an incumbent minister his duties should be taken over by a parish clerk who is to be paid half as much again as he presently receives. This money is to be paid from the Poor Rates. The parishioners have the power to appoint any one they please to perform the parish duties but for no higher wage than that which would be given to the clerk. All other payments are to be made

on a voluntary basis. On the death or removal of a Bishop or an Archbishop, the lands and houses attached to his See should be sold by auction and the proceeds given to a Church Reform Fund, a fund specially established to facilitate the changes envisaged by Bentham. The same should apply for Deans, Canons, Prebendaries, and any other sinecurists. All scholars in expectation of scholarships or fellowships in the universities are to be adequately compensated if such expectation is thwarted by the sale of any Church lands or possessions. All tithes in kind are to cease upon the death or removal of an incumbent, to be replaced by a strictly regulated land tax. Where the patronage of a parish is in individual hands a proportion of the money received from sale is to be given to the patron, and in the case of suspension of tithes in kind he should receive a government annuity equal in value to his share of the sale. Where the patron is the Crown no such allowances are to be paid. 'By this means', says Bentham, 'that vast mass of the matter of wealth, operating in the hands of the Chancellor, in the shape of matter of corruption, would be sunk, and the Constitution relieved from the pressure of it'. Extra compensation is to be paid if a patron should have a son of not less than fourteen years who is being groomed for the Church. Finally, in a sly hit at the universities Bentham proposes that the places left vacant by the death of college fellows be filled by retired army or naval officers. The purpose, he explains, being to 'save University Colleges from dilapidation and University Towns from desolation'.<sup>132</sup>

Concerning remedies related to discipline Bentham's suggestions turn almost entirely on his desire to undermine the prestige and power of the Bishops. Archbishops and Bishops are to be replaced as before by the Crown,

but new holders of office are not to be given a seat in the Lords. They are to perform only those Church functions directly related to their office, and they are to be paid a salary from the Church Reform Fund commensurate with their service without any regard to dignity.<sup>133</sup>

Bentham knows that he is only "scoring political points" with these suggestions for reform, and he is merely his usual disingenuous self when he says that the only real sufferers if they were implemented would be those clergymen who had hopes for preferment, but that this loss is more than out-weighted by the good achieved. He was well aware that his remedies would serve to accomplish much more than merely to redistribute wealth: 'true it is', he proclaims, 'that of this precluding plan, death of Excellent Church has from the very first been the acknowledged object'.<sup>134</sup> His aim all along has been the confiscation of the benefices and livings of the Church, and thereby the extinction of established religion. This is the 'radical solution' to the defects of the 'system' which he had announced near the beginning of Church-Of-Englandism.<sup>135</sup> Dissolution, whether forced or voluntary, is the only remedy: 'Cacothanasia, bad death, - or Euthanasia, good death ... - under one or the other of these names will the end of the system, whenever it takes place, be found characterizable'.<sup>136</sup> All other remedies are only proposed by Bentham as steps in the gradual euthanasia of the Established Church.

Before we leave this subject it is worth reflecting for a moment on the consistency between the principles of Bentham's utilitarianism and his proposals for dispossessing the Church of its property. In all his writing on property he does not appear to have considered Church property, and he certainly never spoke of it as a special case.<sup>137</sup> Though he sympathised with the French Revolution (if not with the methods or rhetoric

employed by the revolutionaries), he denounced the confiscation of Church property and the policy of restoring property to the descendants of Protestants persecuted under Louis XIV as an attack on security.<sup>138</sup> The idea of a revolutionary change in the distribution of property was anathema to Bentham who, it has been said, 'virtually identified property with human feelings - pleasure, security, expectation'.<sup>139</sup> Later on with the turmoil experienced by France before him he writes in Supply Without Burden (1795):

A revolution in property! It is an idea big with horror which cannot be felt in a stronger degree by any man than it is by me ... it involves the idea of possessions distributed, or expectations thwarted: of estates forcibly ravished from the living owners, of opulence reduced to beggary, of the fruits of industry made the prey of rapacity and dissipation - of the levelling of all distinctions, of the confusion of all order and destruction of all security.<sup>140</sup>

Bentham, then, was no 'leveller': though the laws creating property have created riches this is only in relation to poverty, and poverty is not the work of the laws but 'the primitive condition of the human race'. The aim of the laws is security, for this is essential to the happiness of society, and in so far as the legislator disturbs security he always produces a proportionate sum of evil.<sup>141</sup> His first duty is 'to maintain the distribution as it is actually established', for no one can be despoiled without the security of all being thereby imperilled. Security is 'the foundation of life; subsistence, abundance, happiness, everything depends on it'.<sup>142</sup> How can Bentham's plans for the dispossession of the Church be made compatible with his general views on the maintenance of property and security? The problem disappears when it is noted that he made a distinction between the ideal of security and what is practicable in actuality. The first demands that nothing should ever be taken from any one; the second is satisfied if nothing beyond what is necessary for the

preservation of the rest is taken. The confiscation of Church property can be justified then in terms of the 'sacrifice of security to security'. The security of the possessions of the people, the Many, has precedence over that of the clergy, who are the Few. The equation is simple but a little misleading, since it depends on the further distinction between what might be seen as an 'attack' on Church property and what is referred to by Bentham as a 'defalcation'. This distinction is explained as follows:

An attack is an unexpected shock, an evil which cannot be calculated, an irregularity which has no fixed principle. It seems to put all the rest in peril; it produces general alarm. But a defalcation is a fixed, regular, and necessary deduction which is expected; which produces only an evil of the first order; but no danger, no alarm, no discouragement to industry.<sup>143</sup>

As it regards Church property the application of this distinction has mixed results. The confiscation of Church property cannot be considered a defalcation, and it did not appear that Bentham thought it was. So far was he from considering the dispossession of Church property a justified defalcation that in order to mitigate the consequences, the 'unexpected shock', he introduced a scheme for compensating the clergy for their loss. On the other hand, Bentham's strong case for confiscation depends on the violation of security caused by the Church collecting taxes, to which it allows no exceptions either on grounds of religious profession or material wealth. The extreme example, as we have seen, is the case of the Irish Catholics. Here we have a people forbidden the public exercise of their own religion, yet forced to maintain a religion they regard as hostile to their own. For Bentham this amounted to a double violation of security productive of political as well as civil unrest.<sup>144</sup>

On these grounds the source of this unrest, the Church in Ireland, must be immediately disestablished. The violation of the security of non-Church of Englandists in England is, he claims, only a degree less severe, and equally justifies disestablishment.

Bentham's advocacy of disestablishment, needless to say, fell on deaf ears. He does, however, seem to have had an influence on the radical Joseph Hume, who in 1823 was busy introducing motions into the House of Commons for the abolition of sinecures. In a letter to Samuel Parr Bentham refers to Hume on this occasion as 'the only real representative the Commons of England have in the House', and requests of Parr information regarding his 'prebendial sinecure' that might be of assistance to Hume. He assures Parr that neither he nor Hume 'so much as propose to do anything on this or any other occasion to the detriment of the present possessors -...' What this letter reveals, however, is that Bentham's resolve to speed the 'euthanasia' of the Established Church remained firm, and that his relish for battle with the Church and its Bishops was as strong as ever:

On the 4th of next month Jos. Hume makes his motion on the subject Irish tithes. Excellent Church, with all her paraphernalia, must on that occasion of necessity be brought on the carpet. Some suggestions over and above what there is in 'Church of Englandism', the political part of which he is getting by heart, are furnishing to him just now by myself and others: inter alia, that in all times churchmen, who if any proposal is made to apply to church property to any of the uses to which it is pretended to be destined, cry out 'sacrilege!' have at all times been the plunderers of it to the utmost of their power; for the benefit of themselves and those who are nearest and dearest to them, just as any other men would have been in their places: ... 145



Hume, it appears, remained a zealous advocate of disestablishment for the rest of his days. As late as 1841 The Christian Remembrancer of that year recorded that he was still warning young men that if they chose to be ordained they should not expect to receive compensation at the coming disestablishment of the Church. They enter it, Hume warns them, with their eyes open 'when its charter is on the eve of being cancelled by the authority which gave it, when it is admitted on all hands to be not useless only, but absolutely detrimental'.<sup>146</sup>

## 6. Religion in the Ideal State

It is time now to consider the place of religion in the society in which the 'euthanasia' of the Church has been completed. Bentham's advice 'To obey punctually; to censure freely', given in A Fragment On Government at the onset of his career, was a maxim always to be followed save where sober calculation showed a clear advantage to be had by disobedience.<sup>147</sup> To criticize or destroy with no idea of what was to follow was as an anarchical approach to political inquiry, anathema to Bentham; disorder in anything, most of all in political life, he found offensive. Accordingly, Bentham rarely criticized anything without a notion of what was to take the place of what he criticized.

The Constitutional Code is Bentham's most extensive and detailed work regarding the institutional make-up of the ideal state, his utopian Utilitarian society. In this vast text (662 pages in the Bowring edition of the Works) Bentham mentions religion hardly at all. The opening sentence of BK I, Ch. XIV, 'Established Religion - None', establishes his position: 'No power of government ought to be employed in the endeavour

to establish any system or article of belief on the subject of religion'.<sup>148</sup>

The 'truths' of religion must be accepted or rejected free from remuneration or penalties supplied or threatened by Government. The power of government adds nothing to religious truth and, indeed, its exercise is liable to be understood as a confession by those who enforce it 'that in their eyes the system thus supported is false'. Once again there is the consideration of the expense of maintaining an established religion, and Bentham delights in pointing out that nowhere in the Scriptures did Jesus sanction an order of priests let alone an Established Church. Nowhere did Jesus say 'give money to those who say they believe in what I have said, or give money to those who teach others to believe what I have said'. Nowhere did he say 'apply punishment to those who will not say they believe what I have said, or to those who say they believe what I have said is false'.<sup>149</sup> In a note to Bk II, Ch. XI, 'on the subject of a Religious Establishment, to be paid for at the public expense', Bentham says all that he has to say in the Constitutional Code on the administration of religious affairs: 'For the business of religion, there is no department: there is no Minister. Of no opinion on the subject of religion, does this Constitution take any cognizance'.<sup>150</sup>

Bentham's intentions were no less clear in the field of education. His chief quarrel with the universities was the predominance of religious influences in these places of learning. Educational institutions, he thought should be free from all taint of ecclesiasticism. His sympathy and support for the project to establish an university in London which should be free from all religious influences can be traced to this early grievance.<sup>151</sup> The university, The Times reported, was to be established

on the principle that there would not be 'any religious tests, or doctrinal forms, which would oppose a barrier to the education of any sect among His Majesty's subjects'.<sup>152</sup> Its main supporters were drawn from the ranks of Dissenters and these had to be persuaded that it was 'utterly impossible to teach theology in a University intended to comprehend persons of all sects'.<sup>153</sup> It was even agreed that a declaration that 'nothing contrary to the revealed religion should be allowed in the instruction in the proposed University ...' be withdrawn.<sup>154</sup> The new university was to attend to secular education alone; all religious instruction was to be left to the responsibility of the parents.<sup>155</sup>

These thoughts on education can be traced to Bentham's Chrestomathia (1816), his experimental tract on utilitarian education. Here religious instruction is banned from the curriculum altogether. There are no concessions to the use of the Bible, as in the Lancasterian schools and such as we find Bentham tactically employing in Church-Of-Englandism:

if instruction in relation to controverted points of Divinity, were admitted, whatsoever were the tenets taught, a parent to whose notions those tenets were, to a certain degree repugnant, would not send his child to a school, which numbered among its objects and its promises, the impregnating with those tenets the minds of its scholars.<sup>156</sup>

The Chrestomathic School was not intended to be a boarding school hence each pupil has ample time at home to receive whatever religious tuition his parents deem suitable. To those afraid that instruction repugnant to religion will be given at the school, however, Bentham was prepared to avow that 'no instruction ... disrespectful to Religion in general; to the Christian Religion in particular, or to any one form of it, shall ever be administered'.<sup>157</sup> But while he was so heartily involved in his critique of the Established Church and its doctrines it is doubtful if such avowals were taken seriously by any but his closest associates. That

they were sincerely meant, however, there is no doubt. Francis Place, one of the principals in the movement for secular education, reiterated Bentham's position on religious instruction in the Chresomathic School: 'We were not religious ourselves, and therefore had no sectarian notions to teach; we wished the improvement of the people, knew that reading and writing and arithmetic were important steps in the process, ... As our desire was to teach all, we saw very clearly that the way to teach all was to teach no religious doctrines'.<sup>158</sup>

Bentham's attitude to the religious establishment was much the same as his attitude to political and legal institutions. It was a public service which, because of the vested interest of its functionaries in sustaining it in its corrupt state, was in need of a complete overhaul.

The difference, however, was that whereas the reformed political and legal establishments would still be an essential feature of the ideal Utilitarian state, Bentham came to believe that even if reformed Established Religion would still be an enemy to happiness due to the doctrines it expounded. To reform the Church was not to reform its doctrines. It was not sufficient merely to blunt the harmful political effects of religion; as long as any belief in the religious sanction constituted an active spring of human action the rational, that is, the temporal, pursuit of self-interest would be thwarted. Irrespective of the additional problems presented by established religion, while men are still influenced by religious beliefs political coercion, direct and indirect, will be necessary. And, as one commentator has said, this means that 'the enlightened state will be in the paradoxical position of "forcing men to be happy" and will therefore refute a purely utilitarian

justification for political obligation'.<sup>159</sup>

The secularisation envisaged by Bentham, then, involves more than the disentanglement of the religious and political spheres of social life. Certainly his policy of 'euthanasia' was designed to achieve this end. But ultimately secularisation meant for Bentham the elimination of religious beliefs as influential psychological factors in the human mind. At times he allowed a place for religious attitudes, sentiments and practices, but only in so far as their object was a temporal concern. The role of the clergy in pauper management - disseminating information regarding job vacancies and compiling statistics to aid endeavours at poor relief - the idea of using the churches as banks for use by the poor after Sunday service,<sup>160</sup> and using the clergy as instructors of morality in the poor man's Panopticon and in the Panopticon in its originally intended use as a prison,<sup>161</sup> were all suggestions made by Bentham for employing the clergy and religious practices and institutions for secular purposes. The assumption involved in this notion of secularisation is that the sentiments which attach themselves to such persons and practices were before mistakenly understood to be religious in character. Their transposition to a secular context, therefore, is simply the recovery of their true character and use. A later example of this form of secularisation is to be found in Bentham's Auto-Icon, in which he recommends that 'phrenologists' replace clergymen in the churches and chapels. The advantage of this is that there would be no 'phrenological sinecures', phrenologists would not cost vast amounts of public money to maintain, and phrenological bishops and archbishops would not be needed, but all the temporal functions of the clergy - registering births, deaths, marriages,

and performing the necessary rituals - would be accomplished by the phrenologists. In addition the phrenologist would be the instructor and educator of his parishioners.<sup>162</sup> James Mill seems to have had similar ideas of making use of religious rites and institutions to serve secular ends. In the London Review of July 1835 he advocated a church 'without dogmas or ceremonies', that the clergy be employed to give lectures on ethics, political economy, and the sciences, and that on Sunday the churches be used for meetings, dances, and communal meals.<sup>163</sup> Leslie Stephen's comment on such proposals is apposite: they are illustrative of 'the incapacity of an isolated clique to understand the real tone of public opinion'.<sup>164</sup> But what is clear is that the main thrust of Bentham's later thought on the role of religion in society went much further than to suggest ways of transposing religious sentiments to a secular context. In the ideal secularised world all traces of religious sentiment would be banished. It was to be the first duty of the legislator to do all in his power to eliminate religious beliefs from the Utilitarian society. Bentham's more specific analyses of the foundations of these beliefs and why he sought to eliminate them I consider in the following chapter.

## 7. Some Reflections on Bentham's Critique

It has been no part of my intention in this chapter to defend the Church of England against Bentham's charges.<sup>165</sup> It should be noted, however, that even after Catholic Emancipation, the Reform Act of 1832, the Oxford Movement, and the disestablishment of the Church in Ireland (1871), the Anglican Church remained substantially intact.<sup>166</sup> It found some eloquent defenders ready to hurry to its standard, among them

Coleridge, who argued that the Constitution of the United Kingdom included the idea of the National Church as well as the idea of the constitution of the state. He described them as 'two poles of the same magnet; the magnet itself, which is constituted by them, is the CONSTITUTION of the nation',<sup>167</sup> and lamented that the toleration of other religions had lead to the Church's corruption from its former position of being a truly national church.<sup>168</sup> It is worth quoting an extract from his address to 'the Liberalists and Utilitarians' at length, for it stands as representative of the 'conservative' plea that the movement toward the secularisation of the state be halted before it is too late:

... I hold it the disgrace and calamity of a professed statesman not to know and acknowledge, that a permanent, nationalized, learned order, a national clerisy or church, is an essential element of a rightly constituted nation, without which it wants the best security alike for its permanence and progression; and for which neither tract societies nor conventicles, nor Lancasterian schools, nor mechanics' institutes, nor lecture-bazaars under the absurd name of universities, nor all these collectively, can be a substitute. For they are all marked with the same asterisk of spuriousness, shew the same distemper spot on the front, that they are empirical specifics for morbid symptoms that help to feed and continue the disease.<sup>169</sup>

Gladstone also came to the defence of the Church. In The State And Its Relations With The Church (1834) he argued that the state has a duty to profess the religious truth which they see, to provide for the public worship of God, and to encourage this truth and this worship by political coercion. Later in life, however, he reconsidered his position, and admitted that the book was obsolete when it appeared. He thought himself the last man on a sinking ship.<sup>170</sup>

Yet the Church survived. A liking for 'old things' and the inability to know how to fill the gap should the Church be abolished, were the reasons cited by J.S. Mill for its continuance.<sup>171</sup> Perhaps part of the reason also lies in the nature of the critique mounted against it. One of Bentham's criticisms of the Catechism is that it is fraught with 'bad grammar' and 'bad logic',<sup>172</sup> but we might turn these criticisms against his own work. The language of his attack is particularly vitriolic and in this respect we can say of Church-Of-Englandism what Mary Mack wrote of The Handbook Of Political Fallacies, that it is to be regretted that '... Bentham fought his enemies with their own weapons. He turned to emotive meanings and propaganda after every other resource had failed him. His calm, quiet analyses went unheard and so he raised his voice'.<sup>173</sup> References to the Church as 'the Whore of Babylon', to the clergy as 'plunderers', to the Catechism as 'poison', and the like, are frequent throughout the work. Denunciations of the motives of the Bishops are also frequently expressed, even though Bentham had already supplied a lengthy discussion in An Introduction To The Principles Of Morals And Legislation concerning the neutrality of motives, and ruled out all judgements based upon them.<sup>174</sup> Moreover, there is a hollow ring to his repeated charges against the clergy of pursuing a sinister interest, for there was no one more fully aware that motivation is an extremely complex phenomenon which cannot be so simply defined in language. But these tactics were all employed by Bentham for propaganda purposes. More serious, however, is the discrepancy one finds between the methodology he used to deal with the Scriptures and that which he enlisted in his critique of the Church of England Catechism.



The Scriptures were written in a cultural milieu at a great distance from the early nineteenth century, and it was increasingly coming to be accepted that their language had to be interpreted in order to be understood. The words were to be interpreted symbolically with the stress laid upon their inner and deeper message. Bentham, however, consistently employed a literalist approach to the Bible, always finding the intention of the authors in the words of the text. The Bible seen in this way is a work of history by several hands and is to be read as any other historical work. We are not to go beyond the words of Jesus or those of the narrators to reveal their meaning; the intention was plain when the words were spoken or written and is to be discovered in the words still. For example, there is nothing in the words of Christ to oblige us to suppose that the powers he conferred on the Apostles should fall to the clergy of the Established Church. His commands, explains Bentham, were given to twelve distinguishable men and there is nothing spoken or written about them to suppose that they were given to any other men.<sup>175</sup> Hence Jesus giving the Apostles the power to remit sins, as reputed in the Gospel of St. John, does not mean that the clergy have the power to remit sins also: 'there is only one supposition, on which, by his conferring it upon his Apostles, he has conferred 'it upon you: and that is - your being the same persons with those his Apostles'.<sup>176</sup> Nor is this contradicted by Bentham's charge that Jesus used figurative language in his discourses. When Jesus asked the Apostles at the Last Supper to take wine in remembrance of the blood he was to shed, he did not say that they should change wine into blood, nor did he impart to the Apostles or their successors the power to dispense grace by the ceremony of a sacrament. Jesus was merely using a

'figurative expression' typical of the Hebrew language.<sup>177</sup>

However, when Bentham considers the meaning of the language of the Catechism he frequently goes further than his usual criticism that it is fraught with linguistic confusions, to expose the intentions of its authors. The meaning is no longer contained in the actual words but must be looked for by attempting to discern the intentions of the Church and its Bishops, which are invariably found to be of a deceitful, pernicious, and selfish kind. The Catechism is then seen as an instrument of misrule, and is therefore to be condemned. This involved Bentham in the application of a double-standard - the literalist approach taken with the Scriptures is to be contrasted with the approach used in the case of the Catechism, where the vagueness, and ambiguous nature of words are said to be deliberate masks for the oppressive intentions of the clergy.

We might also question the cogency of some of the arguments Bentham employed. As a piece of abstract criticism Church-Of-Englandism is an impressive exposure of the Church's dogmatic teaching, but, by utilitarian standards the use of such a critique is suspect. If we accept the greatest happiness as our standard, the question, as R.A. Bennet has said, is not what is ideally true or right, but what, in a given age and society, is possible and expedient.<sup>178</sup> The Catechism might not be as good as Chrestomathia, but it had been employed and accepted for several centuries as a useful guide for what children should be taught to believe. When the choice lay between the use of the Catechism in schools and the withdrawal of support for schools by a large section of the community, the utilitarian's decision should not have been in doubt.<sup>179</sup> Bentham, it must be said, frequently vacillated between the possible and the ideal in the application of his utilitarianism; the

more practicable economic and jurisprudential writings will always contrast starkly with the idealism of the Constitutional Code. In Church-Of-Englandism he let himself be carried forward by his denunciatory invective against the clergy to visualise a world without a clerical establishment, and what there is of practical value in the work is almost entirely obscured by his urge to exhaustively define this principal feature of the secular Utilitarian utopia. Not only logically but empirically, too, Bentham can be faulted. He writes as if the Church system of religious instruction was entirely mischievous, productive of evil and demoralising consequences. However, his logic proves more than the facts will allow. As R.A. Benn again has pointed out:

It seems absurd to suppose that so many generations of English children could have been nourished on such poison as the catechism is here made out to be without exhibiting more distinct traces of its deadly activity in their after lives. Granting that many or even most of the author's countrymen were fools or knaves, still they were not quite so bad as the incriminated document ought to have made them; and, had they been so, his expostulations would have been utterly thrown away on such a race of miscreants.<sup>180</sup>

Bentham's case against the use of the Catechism in schools is founded on his theory of language and the dictates of his logic, and he shows that this is a document fraught with ambiguous expressions and concepts which are incomprehensible when compared with our knowledge of the perceptible phenomena of the physical world. But what he cannot prove is that it is inevitably the consequence of this disjunction between the perceived physical world and the language of the Catechism that a child's reasoning powers are stifled and its moral understanding corrupted.

Finally, Bentham failed to understand the very thing he sought to criticize. He had no sense of the Church as a community, either spiritual or of any other kind. In Bentham's nominalist world not only language but reality itself had to be reducible to particular, concrete components if it was to be correctly understood. This logic determines that there can exist no such things as a Church, only individual churches with their particular congregations and clergymen. That which oppressed the people was not an intangible, but a specific body of identifiable persons. As such they were individually responsible for the oppression and were to be charged and condemned accordingly. But this search for discrete entities ignores the too obvious fact that the whole is never merely the sum of its individual parts, but has a life, so to speak, of its own, something over and above that of its component parts. Bentham never could understand this. Believing that he had effectively dismissed the Church by the force of logic he directed his attentions to a more specific analysis of Christianity as the next step in the elimination of religion, and it is to this that we ourselves must now turn.

## Chapter VII: Footnotes

<sup>1</sup>This appears to be the suggestion of Ogden, Jeremy Bentham 1832-2032, p.25.

<sup>2</sup>See Chapter Three above.

<sup>3</sup>Brian Taylor, 'Jeremy Bentham, The Church of England, and the Fraudulent Activities of the National Schools Society', Paedogica Historica, vol. 18 (1978), p.379. Taylor's 'Jeremy Bentham and Church of England Education', British Journal Of Educational Studies, vol. XXVII, No. 2, June 1979, is an abbreviation of the article in Paedogica Historica.

<sup>4</sup>Bain, James Mill, p.151.

<sup>5</sup>U.C. Box 102/133-88, 282-498 contains material for Chrestomathia and no manuscripts are dated prior to 1811. The only manuscript on education which predates these is a single sheet containing a proposal for an 'Educational Encyclopedia' dated 1795 in U.C. Box 107/37, and the only other occasions on which Bentham had cause to comment on education were associated with memories of Westminster and Oxford. His thoughts on the education he received at these institutions are summarised in a letter to Toribio Nunéz (21 April 1821), U.C. Box 13/182. There is a transcription of this letter at the Bentham Project.

<sup>6</sup>That Bentham was critical of the practice of subscription at the universities and of the expulsion of the Methodists from Oxford does not alter this assessment; the distance from these criticisms to an argument for a national state-controlled system of education is a long one.

<sup>7</sup>U.C. Box 5/63-316, and 6/1-209.

<sup>8</sup>Taylor, 'Jeremy Bentham, The Church of England, ...', p.380. This article is based on the material in U.C. Box 7 concerning Bentham's 'Strictures on the Exclusionary System as Pursued in the National Schools Society' (1816); but Taylor only quotes material incorporated into the finished text of Church-Of-Englandism while ignoring entirely the important earlier 'Church' mss.

<sup>9</sup>Taylor suggests that the context for analysis should be the attack on the Church but he hardly does it justice in 'Jeremy Bentham, The Church of England, ...'.

<sup>10</sup>Church-Of-Englandism, 'Preface', pp.xiii-xv.

<sup>11</sup>The influence of James Mill may be seen in these comparative exercises 'but there is nothing on religion in his own writings anything like so

extreme. William Thomas, The Philosophic Radicals: Nine Studies In Theory And Practice, 1817-1841 (Oxford 1979), p.36.

<sup>12</sup>Handbook Of Political Fallacies, p.172. Bentham lists here a few of the possible meanings of 'the Church': '(1) Place of worship; (2) Inferior officers engaged by government to take a leading part in the ceremonies of worship; (3) All the people considered as worshippers; (4) The superior officers of government by whom the inferior mentioned above are engaged and managed; and (5) The rules and customs respecting these ceremonies'. *ibid.*, p.171.

<sup>13</sup>Taylor, 'Jeremy Bentham and Church of England Education', p.154.

<sup>14</sup>Colls, Utilitarianism Unmasked, p.35.

<sup>15</sup>Church-Of-Englandism, 'Catechism Examined', p.150.

<sup>16</sup>Works, vol. X, p.74. It is an odd note in Of Laws In General, Ch. XVI, para. 25, that the only offence against religion listed by Bentham is that of 'usurping the character of a clergyman'.

<sup>17</sup>U.C. Box 69/167, quoted Mack, Jeremy Bentham, An Odyssey Of Ideas, p.299.

<sup>18</sup>U.C. Box 96/318, 'Divines'. See also 96/315.

<sup>19</sup>U.C. Box 96/320.

<sup>20</sup>U.C. Box 6/33.

<sup>21</sup>U.C. Box 6/53-65.

<sup>22</sup>U.C. Box 6/65.

<sup>23</sup>A Table Of The Springs Of Action (1817), Works, vol. I, p.217.

<sup>24</sup>A Fragment On Government, p.442.

<sup>25</sup>*ibid.*, p.441.

<sup>26</sup>Handbook Of Political Fallacies, p.231.

<sup>27</sup>JB to O'Connell (15 July 1828), Works, vol. X, p.595.

<sup>28</sup>Auto Icon; Or, Farther Uses Of The Dead To The Living. A Fragment From The Mss. Of Jeremy Bentham (printed 1842, not published), p.16. This work is based on manuscripts principally dated 1831.

<sup>29</sup>Church-Of-Englandism, 'Catechism Examined', pp.123, 104-5.

<sup>30</sup>*ibid.*, p.128.

<sup>31</sup>*ibid.*, p.129.

<sup>32</sup>U.C. Box 96/288.

<sup>33</sup>See G. Kitson Clark, Churchmen And The Condition Of England 1832-1885 (London 1973), pp.27-8.

<sup>34</sup>Joseph Butler, sermon given at Westminster Abbey, The Works Of Joseph Butler, 3 vols. ed. W.E. Gladstone (Oxford 1893), vol. II, p.366.

<sup>35</sup>William Warburton, The Divine Legation Of Moses (1738: London 1755), vol. II, p.27; vol. I, p.76. Warburton explained that a 'test law' was a law to prevent religious dissidents from occupying positions which would facilitate attacks on the Established Church.

<sup>36</sup>L.E. Elliott-Binns, Religion In The Victorian Era (London 1964), p.47.

<sup>37</sup>Bentham quotes Warburton on several occasions when writing of the religious sanction in the unpublished 'Crit. Jur. Crim.' manuscripts in U.C. Boxes 69 and 140.

<sup>38</sup>Hume, Bentham And Bureaucracy, Ch. IV, p.187. This chapter contains a concise analysis of the scope of Bentham's intentions in Church-Of-Englandism. See in particular, pp.186-91.

<sup>39</sup>U.C. Box 158/157 (8 May 1816), a marginal for 'Plan of the Work' at the front of Church-Of-Englandism, quoted by Hume, *ibid.*, p.187.

<sup>40</sup>Church-Of-Englandism, Appendix IV, pp.369-70.

<sup>41</sup>'Essay On Logic', p.250.

<sup>42</sup>*ibid.*, pp.250-1.

<sup>43</sup>U.C. Box 6/63.

<sup>44</sup>Handbook Of Political Fallacies, p.42.

<sup>45</sup>U.C. Box 7/17. The mss. of this abandoned appendix are in U.C. Box 7/8-80, dated 1816.

<sup>46</sup>U.C. Box 7/18.

<sup>47</sup>U.C. Box 7/29, 30.

48 Handbook Of Political Fallacies, p.99. Nor was Bentham painting too extreme a picture. Edwin Hodder relates in his Life Of Lord Shaftesbury that when the British and Foreign Bible Society was established in 1804 as an undenominational enterprise, jointly operated by Anglican clergymen and Nonconformists for the purpose of printing Christian tracts, it was widely opposed from within the ecclesiastical establishment on the grounds that it was 'an evil and revolutionary institution, opposed alike to Church and State'. Quoted by Elliott-Binns, Religion In The Victorian Era, p.38. Elliott-Binns remarked that the churchmen of the early nineteenth century 'were so frightened by the spirit of reform around them that they seemed to have lost all belief in themselves and in their Church'. *ibid.*, p.45.

49 *ibid.*, p.172.

50 'Mrs. Trimmer on Lancaster's Plan of Education', Edinburgh Review, Oct. 1806, cited by Halévy, The Liberal Awakening, p.531. See also Stephen, The English Utilitarians, vol. II, p.18.

51 Halévy, The Liberal Awakening, p.531. See 'Bell and Lancaster's System of Education', Quarterly Review, vol. VI, Oct. 1811.

52 See Bain, James Mill, pp.83-5.

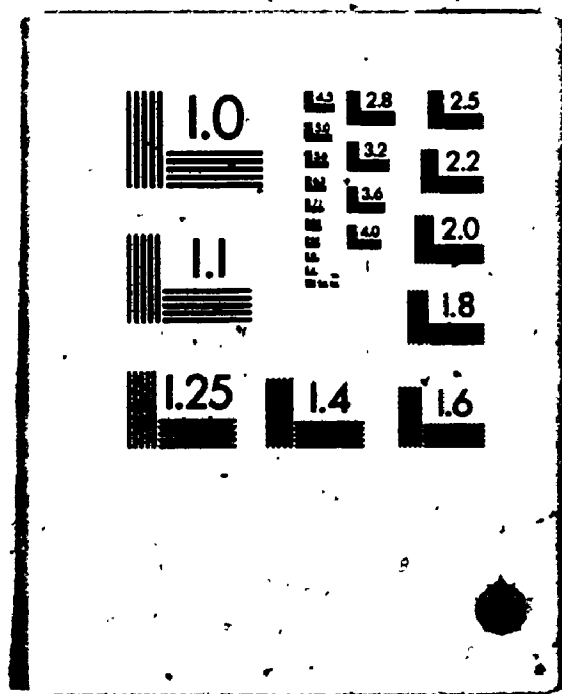
53 Handbook Of Political Fallacies, pp.23-4. See also James Mill, 'A Review of the Arguments ... in Opposition to the Lancasterian Plans for Educating the Poor', The Philanthropist II (1812). It seems likely that Bentham had this article close to hand when he set about integrating his strictures against Church involvement in education into his general attack on the ecclesiastical establishment, so reminiscent are some of the arguments in Church-Of-Englandism of those set down in briefer manner by Mill. As such, and not forgetting the influence of Mill on Bentham's adoption of the democratic programme in 1809, this is probably one of the few instances in which the master learnt from the pupil.

William Allen, the Treasurer of the British and Foreign School Society, started The Philanthropist in 1811 and maintained it until 1817. Mill was his chief contributor, and 'their friendly relations were undisturbed by radical religious differences'. In 1814 Allen, Bentham, Robert Owen, and four others bought the New Lanark Mills from Owen's previous partners in order to carry out a scheme for social improvement. In 1824 Allen pressured the others into allowing Bible instruction to be given in the schools at New Lanark. DNB article on Allen. Bentham's reaction to this is unknown.

Mill was instrumental in the founding of the West London Lancasterian Association at Westminster in 1813. See H. Hale Bellot, University College London 1826-1926 (London 1929), p.12. In 1814 the Association sought to extend the benefits of the Lancasterian System to the middle classes by the establishment of a school. Bentham offered part of his garden behind the Recruit House in Birdcage Walk, St. James's Park, for



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the purpose, and this inspired him to complete his programme of studies, subsequently published as Chrestomathia. The school, however, was never built. Apparently 'Bentham imposed so many restrictions, and made so many difficulties, that his garden was presently abandoned'. Bain, James Mill, p.87.

<sup>54</sup> U.C. Box 6/30.

<sup>55</sup> Church-Of-Englandism, 'Introduction', Part II, pp.54-5.

<sup>56</sup> Quoted by Bentham, *ibid.*, Part IV, pp.89-90n. All quotations from the reports of the National Schools Society are as per Bentham.

<sup>57</sup> *ibid.*, p.94n.

<sup>58</sup> *ibid.*, pp.94n, 92n.

<sup>59</sup> *ibid.*, p.95n.

<sup>60</sup> *ibid.*, p.99n.

<sup>61</sup> *ibid.*, p.99.

<sup>62</sup> *ibid.*, pp.246, 247.

<sup>63</sup> This is not the same Archbishop of Canterbury whom Bentham slighted in an earlier letter to Reginald Pole Carew (20 July 1791) on the occasion of the 'Church and King' riots in Birmingham of the 14 July 1791. 'Is it true', he enquired, 'that the Archbishop of Canterbury was seen to "Ride in the whirlwind and direct the storm" at Birmingham sitting astride a broomstick in his best bib and tucker, with his Privy-Councillor the Devil at his elbow?' Correspondence, vol. IV, Letter 802. Milne remarks in a footnote to this letter that 'Bentham's reference to the Archbishop is a misconceived joke: John Moore (1730-1805), who was Archbishop of Canterbury, 1783-1805, was a philanthropist and moderate reformer'. *ibid.*, p.321n.

<sup>64</sup> JB to Francis Place (14 Jan. 1818), Church-Of-Englandism, British Library, shelf-mark 4106. bb. 6. For Manners-Sutton's efforts to reform the Church, see Kitson Clark, Churchmen And The Condition Of England, pp.45-6.

<sup>65</sup> Church-Of-Englandism, -Appendix II, p.177.

<sup>66</sup> See Handbook Of Political Fallacies, pp.215-16, 'Effect Good Government; Obstacle represented as a cause, Station of the Bishops in the House of Lords'.

<sup>67</sup> Church-Of-Englandism, 'Introduction', Part IV, pp.85-6, 87.

<sup>68</sup> Scotch Reform (1808), Works, vol. V, p.17..

<sup>69</sup> Church-Of-Englandism, 'Plan of the Work', p.xxxviii.

- <sup>70</sup>ibid., p.1.
- <sup>71</sup>ibid., 'Introduction', Part IV, p.77.
- <sup>72</sup>ibid., pp.74, 75.
- <sup>73</sup>See ibid., pp.111-28.
- <sup>74</sup>ibid., p.187n.
- <sup>75</sup>ibid., p.179.
- <sup>76</sup>ibid., pp.185-6.
- <sup>77</sup>ibid., Appendix IV, p.308. See also 'Introduction', Part IV, p.228.
- <sup>78</sup>U.C. Box 7/136 (1816), quoted by Brian Taylor, 'Jeremy Bentham, The Church of England ...', p.383.
- <sup>79</sup>ibid., p.384.
- <sup>80</sup>Church-Of-Englandism, 'Introduction, Part II, p.52.
- <sup>81</sup>ibid., p.68.
- <sup>82</sup>ibid., Part IV, p.106.
- <sup>83</sup>For a discussion of these books see ibid., pp.134-44.
- <sup>84</sup>ibid., pp.144n, 146n.
- <sup>85</sup>As early as c.1773 Bentham offered some reflections on the Catechism which he even then referred to as 'this crude composition of a semi-barbarous priesthood': U.C. Box 96/300. In a manuscript a few years later he referred to it as 'the obscure comments of (sic) an obscure text'. U.C. Box 100/34 (c. 1776).
- <sup>86</sup>Church-Of-Englandism, 'Introduction', Part II, p.55.
- <sup>87</sup>ibid., Part IV, p.175.
- <sup>88</sup>ibid., 'Plan of the Work', p.xxxv.
- <sup>89</sup>ibid., 'Introduction', Part I, p.45.
- <sup>90</sup>ibid., p.4n. The exposition, Bentham recalled, was 'by some Archbishop: his name began with a W, which is all I now recollect about this nightmare, by which my sleep was so long disturbed'.

<sup>91</sup> *ibid.*, p.14.

<sup>92</sup> *ibid.*, pp.20-1.

<sup>93</sup> *ibid.*, p.19.

<sup>94</sup> *ibid.*, 'Preface', pp.xxx-xxxiii. See also pp.xxi-xxij, and 'Introduction', Part I, p.21.

<sup>95</sup> This seems to have been a common view among Bentham's circle. In a letter to James Mill (29-31 Aug. 1815) Place refers to several current religious publications that 'shew a laudable desire to promote subordination by juggling the people out of the little reason they possess'. BL Add. Mss. 35152.

<sup>96</sup> See Hume, *Bentham And Bureaucracy*, p.182, where he paraphrases Bentham on this subject from U.C. Box 125/47-52, 'Parliamentary Reform' (1811).

<sup>97</sup> *Church-Of-Englandism*, 'Plan of the Work', p.xliii. See also Appendix I. 'Remarks on the Object of the Church of England Religion, as Avowed by the Bishop of London'.

<sup>98</sup> Dr. William Howley, Bishop of London, *A Charge To The Clergy Of London* (London 1811), p.17, quoted by Bentham, *Church-Of-Englandism*, Appendix I, p.88.

<sup>99</sup> *ibid.*, p.89.

<sup>100</sup> *Church-Of-Englandism*, 'Introduction', Part I, p.40..

<sup>101</sup> *ibid.*, p.12.

<sup>102</sup> *ibid.*, 'Preface', pp.xxvi-xxvii.

<sup>103</sup> *ibid.*, 'Catechism Examined', pp.13, 14.

<sup>104</sup> *ibid.*, p.15.

<sup>105</sup> For Bentham's critique of the Apostle's Creed see *ibid.*, pp.17-30.

<sup>106</sup> *ibid.*, pp.20, 22.

<sup>107</sup> *ibid.*, pp. 23, 24.

<sup>108</sup> *ibid.*, pp.27, 28.

<sup>109</sup> See *ibid.*, 'Introduction', Part IV, pp.238-45; 'Catechism Examined', pp.2-11, 47-72; and Appendix II. 'Lord's Supper - Not Designed by Jesus for General Imitation - Its Utter Unfitness for that Purpose', pp.154-67.

<sup>110</sup> *ibid.*, 'Catechism Examined', pp.68-72.

<sup>111</sup> *ibid.*, pp.62-3, and Appendix II, pp.167-8.

<sup>112</sup> *ibid.*, 'Introduction', Part I, pp.24, 25.

<sup>113</sup> Howley, A Charge To The Clergy Of London, p.15, quoted by Bentham *ibid.*, p.92.

<sup>114</sup> *ibid.*, p.93.

<sup>115</sup> *ibid.*, 'Catechism Examined', p.85.

<sup>116</sup> *ibid.*, Appendix III, pp.183-5. Bentham makes special provision for the children of Jews: no Jewish child should be made the subject of any attempt to convert them while at school, and it is the responsibility of the child's parents to supply religious instruction.

<sup>117</sup> *ibid.*, Appendix IV, pp.369, 370.

<sup>118</sup> *ibid.*, pp.370-2.

<sup>119</sup> Machin, Politics And The Churches, p.18.

<sup>120</sup> See Chadwick, The Victorian Church, vol. I, pp.81-4.

<sup>121</sup> JB to O'Connell (15 July 1828), Works, vol. X, pp.595, 596.

<sup>122</sup> Church-Of-Englandism, Appendix IV, pp.372-4.

<sup>123</sup> U.C. Box 6/57 (1812-13).

<sup>124</sup> Church-Of-Englandism, Appendix IV, pp.375-6.

<sup>125</sup> *ibid.*, pp.300, 301, 302.

<sup>126</sup> *ibid.*, pp.385, 386.

<sup>127</sup> U.C. Box 6/56, 67.

<sup>128</sup> Church-Of-Englandism, Appendix IV, p.289. See also pp.386-92.

<sup>129</sup> *ibid.*, p.214. See also pp.206-8.

<sup>130</sup> *ibid.*, pp.216-19.

<sup>131</sup> *ibid.*, pp.244, 236, 238.

<sup>132</sup> *ibid.*, pp.391, 392. See also pp.387-90.

<sup>133</sup> *ibid.*, p.388.

<sup>134</sup> *ibid.*, pp.394, 395, 396.

<sup>135</sup> *ibid.*, 'Plan of the Work', p.liv.

<sup>136</sup> *ibid.*, Appendix IV, p.197.

<sup>137</sup> Long makes no mention of the Church or Church property in 'Bentham on Property'. In an early jotting of c. 1774 Bentham treats theft from a church like theft from any other 'public fund'; the only difference he allows is in the application of the epithet 'sacrilege' to demarcate it from other similar crimes. U.C. Box 69/7, 'Crit. Jur. Crim.'

<sup>138</sup> 'Bentham's Draught of a Code for the Organization of a Judicial Establishment in France compared with that of the National Assembly' (1790), Works, vol. IV, p.338.

<sup>139</sup> Long, 'Bentham on Property', p.226.

<sup>140</sup> Supply Without Burden: Or Escheat Vice Taxation, in Jeremy Bentham's Economic Writings, ed. W. Stark (3 vols. London 1952), vol. I, pp.304-5.

<sup>141</sup> Theory Of Legislation, Ch. IX, p.113.

<sup>142</sup> *ibid.*, Ch. XI, pp.119, 120.

<sup>143</sup> *ibid.*, Ch. XIII, p.124.

<sup>144</sup> *ibid.*, p.134.

<sup>145</sup> JB to Samuel Parr (23 Feb. 1832), The Works Of Samuel Parr, ed. J. John Stone (8 vols. London 1828), vol. VIII, pp.10-12. The 'political part' of Church-Of-Englandism Bentham refers to is that contained in Mother Church Relieved By Bleeding (London 1823).

<sup>146</sup> Quoted By Elliott-Binns, Religion In The Victorian Era, p.41.

<sup>147</sup> A Fragment On Government, p.399.

<sup>148</sup> Constitutional Code, ed. Richard Doane (some parts published 1830-31). Works, vol. IX, p.92. That Thomas Peardon in an article length exposition of the Constitutional Code ignores the instructions regarding religion is representative of the usual neglect of the place of Bentham's views on religion within his system. 'Bentham's Ideal Republic', Canadian Journal

Of Economics And Political Science, vol. XVIII (1951).

<sup>149</sup>Constitutional Code, p.93.

<sup>150</sup>*ibid.*, pp.452-3. The United States, as usual, is Bentham's illustration of a happy state without an official religion: 'Nowhere is anything under the name religion established in the Anglo-American United States, and where, with such extensively prevalent sincerity, is religion professed, as in those same so happily united States?'

<sup>151</sup>In U.C. Box 107/353 (c. 1827) there are a few jottings, not in Bentham's hand but probably Bowring's, upon the composition of a Council responsible for establishing the curriculum of the new university, which includes the query whether it would not be well 'to throw out some of the saints who are doing so much mischief'. Bellot dates this manuscript 'about the year 1831'. University College London, p.25. For Bentham's involvement see also J.H. Burns, Jeremy Bentham And University College (London 1962).

<sup>152</sup>The Times (6 June 1825), p.4a, quoted Bellot, University College London, p.56.

<sup>153</sup>The Times (9 June 1825), p.2e, quoted Bellot, *ibid.* It was to save the Chair of Philosophy from the suspicion of theistic teaching that George Grote opposed the election of James Martineau in 1866. Benn, The History Of English Rationalism, p.305.

<sup>154</sup>The Times (11 June 1825), p.3c, quoted Bellot, University College London, p.56.

<sup>155</sup>Ogden speculates in obscure fashion about the birth of University College: 'one day it will be realized that this great institution arose directly out of a series of Footnotes, out of the sad case of Mr. Beardmore, and out of 'Jug'.' Jeremy Bentham 1832-2032, p.24. The footnotes are those in the Chrestomathia and 'Jug' was Bentham's abbreviation for 'Juggernaut' symbolizing organised religion. The case of Mr. Beardmore is more difficult to identify. An obituary in the Gentleman's Magazine (Feb. 1814) reveals the empty life of the rich but not untalented Beardmore, who through lack of intellectual stimulus wasted away his later years in a fashionable and dissolute manner. For extracts from the obituary see Ogden, Jeremy Bentham 1832-2032, pp.26-8. Ogden comments: 'from his sufferings, or at any rate from this description of them, came the moral impetus for the foundation of London University.'

<sup>156</sup>Chrestomathia, p.40.

<sup>157</sup>*ibid.*, p.42.

<sup>158</sup>Quoted by Bain, James Mill, p.86.

<sup>159</sup>Eldon J. Eisenach, 'The Dimensions of History in Bentham's Theory of Law', The Bentham Newsletter, May 1981, No. 5, p.10..

<sup>160</sup>'Tracts on Poor Laws and Pauper Management' (1797), Works, vol. VIII, pp.400, 414.

<sup>161</sup>ibid., pp.420-1, 427, 431; Panopticon (1791), Works, vol. IV, p.47. See also Charles F. Bahmueller, The National Charity Company, Jeremy Bentham's Silent Revolution (Berkeley, Los Angeles, London 1981), Ch. 7, esp. pp.197-200.

<sup>162</sup>Auto-Icon, pp.7-8. I will return to this extraordinary tract in the concluding chapter. 'Phrenology' is the science of mental faculties.

<sup>163</sup>James Mill, 'The Church and its Reform', London Review, July 1835. Bain's comment on this article is that 'with all its ingenuity' it 'will have to be remanded to the list of Utopias, among which it will deserve perusal for its constructive suggestions'. James Mill, p.389.

<sup>164</sup>Stephen, The English Utilitarians, vol. II, p.62.

<sup>165</sup>For a balanced view of the conditions of the ecclesiastical establishment in Bentham's lifetime the following works should be consulted: Kitson Clark, Churchmen And The Condition of England, Chs. I and II; Elliott-Binns, Religion In The Victorian Era, Chs. I and II; and Machin, Politics And The Churches, Ch. I.

<sup>166</sup>The Welsh Church was not disestablished until 1914.

<sup>167</sup>S.T. Coleridge, On The Constitution Of The CHURCH And STATE According To The Idea Of Each (1830: London 1972), p.22.

<sup>168</sup>ibid., p.49.

<sup>169</sup>ibid., p.53.

<sup>170</sup>Chadwick, The Victorian Church, vol. I, p.478.

<sup>171</sup>J.S. Mill, 'Coleridge', p.142.

<sup>172</sup>Church-Of-Englandism, 'Plan of the Work', p.xxx.

<sup>173</sup>Mack, Jeremy Bentham, An Odyssey Of Ideas, p.168.

<sup>174</sup>Introduction, Ch. X. Church-Of-Englandism, Appendix IV, p.221.

<sup>175</sup>ibid., p.223



176 *ibid.*, 'Catechism Examined', p.66. Bentham here uses the historical context to reveal the meaning of Christ's words, avoiding all concessions to symbolism.

177 Benn, The History Of English Rationalism, p.301.

178 *ibid.*

179 *ibid.*

CHAPTER VIII  
THE UTILITARIAN CRITIQUE OF  
RELIGION, NATURAL AND REVEALED

Bentham's criticisms of natural and revealed religion received their most comprehensive treatment in the Analysis Of The Influence Of Natural Religion On The Temporal Happiness Of Mankind (1822) and Not Paul, But Jesus (1823). In these works religion in general and Christianity in particular are by turns ridiculed, denounced as anti-intellectual, and condemned as socially pernicious. When Bentham has the doctrines of St. Paul or those taught by the Anglican clergy in mind the contrast he makes is with the pure or 'true' doctrines of Christianity, but when his analysis focuses on Christian beliefs, they are found deficient strictly in terms of utility. In other words, there is a tactical dimension to Bentham's choice of arguments in these books. Of their aim, however, there is no doubt: it is the elimination of religion in all its guises, not only as a source of influence or social control in the hands of an unscrupulous clergy, but from the minds of men altogether. In this respect the Analysis and Not Paul, But Jesus represent Bentham's final assault in the campaign against religion, and a logical step from the political critique mounted in Church-Of-Englandism.

1. Analysis of the Influence of Natural Religion on the Temporal Happiness of Mankind (1822)

Bentham's theme in the Analysis is a broader one than the limitations of its title might suggest. Not only is it not merely concerned with 'natural' religion, but its general objective is to show that the conflict

between legitimate attempts at political reform, on the one hand, and arbitrary power, on the other, can only be resolved with the destruction of all beliefs of a religious or other-worldly nature. Religion, Bentham writes at the beginning of the Analysis,

has been affirmed to be the leading bond of union between the different members of a society - to be the most powerful curb on the immoral and unsocial passions of individuals - to form the consolation and support of misfortunes and declining life - in short it has been described as the most efficient prop both of inward happiness and of virtuous practice in this world.

The truth of these assertions is the subject of Bentham's inquiry. He finds that the inducements of Heaven and Hell provide 'no rule of guidance whatever' for the pursuit of earthly happiness and, in fact, frequently suggest 'rules of action very pernicious' to its attainment. Moreover, such is the nature of man that fears of future punishment clearly outweigh the hopes of future reward, and this produces an overall loss of happiness due to the 'disquietude occasioned by the prospect of death'. But more than anything else the prospect of God's wrath in the hereafter affects the conduct of men in this life by preventing them from learning and obeying the rules which experience alone can teach them for achieving earthly happiness. Religion introduces perplexity and confusion into the science of morality.<sup>2</sup> There is no other piece of sustained writing in Bentham's voluminous collection of works, published and unpublished, in which he is more emphatic that individuals and communities in general would be happier if they could find a way of living without religion.

Religious asceticism is, as ever, the enemy in view and this particular feature of Bentham's critique of religion, since it appears again in Not Paul, But Jesus, and other places, I will set aside for the moment.

I will have cause to consider it, in conjunction with his views on 'sexual nonconformity', in a separate section toward the end of this chapter. In this present section I want to concentrate on the distinction Bentham draws between the world of experience and the world of belief, since it is this that lies at the heart of his critique in the Analysis. Before I begin, however, some general observations on the nature of Bentham's critique might be in order.

i) The Nature of Bentham's Critique

Bentham's intentions regarding the Analysis are set out in a letter to George Grote who, it will be remembered, was to edit the work for publication. It is worth quoting this unpublished letter at length, for it reveals the original scope and nature of the work projected by Bentham:

As it strikes me at the present the best way would be to stop in the first instance at the subject of the Natural Jug, showing its inefficiency to useful purposes, and then its efficiency to mischievous purposes bringing in the question of verity considered in respect of its inefficiency to useful purposes for want of sufficiently apparent verity. On this occasion will be shown its incapacity of affording a directive rule, and in comparison of the human sanction the inefficiency of that superhuman sanction as a remedy against temptations. In speaking of its efficiency to mischievous purposes, here might be an occasion if advisable to bring in all the several mischiefs produced by alledged (sic) revealed Jug, in the first place independently of Establishments, in the next place by means of Establishments. Having been the actual, they might be mentioned as the natural, results of Natural Jug: and in that character they might be mentioned without reference to the particular alledged (sic) Revealed Jug of which they have been the fruits. In many, perhaps in most instances, the mischievousness of them will be manifest, upon the face of their several denominations or descriptions: ...<sup>3</sup>

It appears that Bentham projected not one but two, or possibly three, volumes or parts. This is clear from the 'Plan of the Work' that

accompanied the manuscripts sent to Grote.<sup>4</sup> The second and third parts were intended to focus on revealed religion and on the role of official religion. The first volume, as can be seen from the above, was to have been an examination of the truth and utility of the 'Natural Jug', which was to be supplemented, 'if advisable', by an extension of the analysis to include the truth and utility of the 'alleged revealed Jug'.<sup>5</sup> The lines of demarcation between the two, however, are not clear, since Bentham wishes to attribute to natural religion that which is usually thought to be the product of revelation. As he says: 'Having been the actual, they might be mentioned as the natural, results of Natural Jug: and ... might be mentioned without reference to the particular alleged Revealed Jug of which they have been the fruits'. Bentham's language is confusing: the 'fruits' of revealed religion are actually the 'results' of natural religion. The confusion, however, can quickly be dispelled. At the outset of the Analysis Bentham defines 'natural religion' as 'all religious belief not specially determined and settled by some revelation (or reputed revelation) from the Being to whom the belief relates'.<sup>6</sup> But it is clear from the letter to Grote that he trusted the Analysis to suggest that so much of religion could be attributed to the 'natural' workings of the mind that doubt would be cast upon that portion supposedly the result of revelation. Psychological confusions, caused by the inability or incapacity to comprehend objective reality, are the source of the readiness of the mind to court religious beliefs. Bentham's intention, then, is to strike a blow at all religious beliefs, natural and revealed, by suggesting that they are the product of ignorance of the real workings of the world.

Professor Steintrager, however, has claimed that Grote's attempt to maintain the separation of natural and revealed religion, though not entirely successful, was in accord 'with Bentham's intention of minimizing irritation'.<sup>8</sup> But this understanding of Bentham's 'intention' is not supported by the letter of Grote. Nor is it supported by the text of the Analysis. For example, having cautioned the reader that by the term 'religion' he is to be understood to mean 'mere Natural Religion', he adds that by 'sacerdotal class ... it is only the ministers of Natural Religion who are designated'.<sup>9</sup> But who among the clergy are not to be considered 'ministers of Natural Religion'? Moreover, Bentham reduced the idea of religion in the Analysis to the belief in the existence of 'an almighty Being, by whom pains and pleasures will be dispensed to mankind, during an infinite and future state of existence'.<sup>10</sup> But as we have seen elsewhere this is precisely how he understood all religion, that is, in terms of a social sanction. His criticisms, therefore, cannot be taken to be directed solely at natural religion, but must be seen as an attack on religion in general, and specifically on the belief in futurity. Annoyed by the pious conclusions about the benevolence of God and the happy state of the world deduced by Paley and other Christian apologists, Bentham set out to subject this belief to what he regarded as the true utilitarian test: of what misery and of what happiness is it the source? Yet as searching as the Analysis appears to be in its declared task (and it certainly had a great influence on the younger Mill in this respect)<sup>11</sup> it cannot be denied that by reducing religion to the belief in an after-life when the good will be rewarded and the evil punished, he founded his critique on a narrow and low conception of religion well suited to his purpose.

The pernicious consequences of religion for human happiness, as we have seen, had for long been a stock-in-trade of Bentham's social science. In the Analysis he developed his criticisms further than at any previous time, though in substance his arguments are little different from those he introduced into his legal studies in the 1770's. These criticisms invariably turn upon the temporal consequences of the belief in futurity. When Bentham in the Analysis rejected the claim, frequently voiced by defenders of Christianity, that the abuse of a principle is no argument against its use when correctly applied,<sup>12</sup> his words might well have been taken directly from the unpublished manuscripts on 'Critical Jurisprudence Criminal'. For as long ago as c. 1776 he was saying that such claims are a product of 'common-place reasoning' based on selective evidence. All the evidence must be accounted for, says Bentham, and none excluded: 'as if effects ... by being prejudicial ceased to be effects: and as if the way to form a true aestimate (sic) of the tendency of an institution was to set down only the good effects of it if it has any, and take no notice of the bad ones'.<sup>13</sup> To employ such a method, he declares in the Analysis, 'is most preposterous and unwarrantable'.<sup>14</sup> But Bentham's case in the early published and unpublished works regarding the supposed pernicious consequences of the doctrine of future rewards and punishments need not be stated again; it has been given sufficient consideration already and is, for the most part, repeated at greater length in the later work. What sets the Analysis apart from the earlier researches, however, is the exhaustive manner in which Bentham tested the belief in the after-life against a conception of the world based on the methodological premises of natural science.

## ii) Religious Beliefs and the World of Experience

It is Bentham's contention in the Analysis that the man of science, must be opposed to the belief in an inscrutable agent of boundless power, interfering in worldly affairs at will, a product of the fancy instead of reason. In so far as such a conception is generally accepted or believed it makes all theory of human conduct impossible and gives rise to all manner of delusions. In the application of the methods of natural science to theology Bentham felt that he stood on firm ground and, despite the fact that the two men shared similar assumptions about human nature, beheld a recognisable enemy in the shape of William Paley. Paley's argument from 'final causes' was the dominant theology of the age. The a priori argument for the existence of God based on 'intuition', effective where it fell in with commonly held beliefs, was unconvincing against an atheist who simply denied that he had the intuition. The argument from final causes, however, purported to rest on common ground with the philosophy which demanded empirical proof. The existence of the Deity could, it was thought, be proved empirically just as the existence of a watchmaker could be inferred from the existence of a watch. Accordingly this was Paley's argument in his Natural Theology (1802).<sup>15</sup> His aim is to construct an empirical theology; its logical base is natural theology which is presented as a branch of science and therefore amenable to the usual scientific tests. Its intention is to establish the existence of an agent essential to the working of the machinery of the world.

Bentham only briefly considers the 'empirical theology' of Paley and others, but what he has to say is of interest since it highlights the general character of his scientific approach to religion. Like Hume he



met the argument from design on its own ground - the world of experience. He finds it to be 'completely extra-experiential'. It describes the transition from confusion to order but no one has ever had experience of this 'preliminary chaos'. Nor is the original creative power of God certified by any experience, hence to introduce the notion of an 'omnipotent will' in order to explain the facts is really no explanation at all, but a collection of meaningless words. The interests of the present life require that we should never deviate from experience, and 'also require that we should not attempt to account for the original commencement of things - because it is obvious that experience must be entirely silent upon the subject'.<sup>16</sup> The implications of Bentham's objections are clear. The argument from design is plausible because it applies reasoning which is undeniably valid when appropriately applied: the inference from a watch to a watch-maker is persuasive because we know what is meant by a watch-maker and sufficient of what is involved in making a watch. However, when the inference is that the world was created by an intelligent being we infer the action of an unknown being performing an inconceivable operation upon inconceivable materials, and as such the inference is really illusory or results in the assertion that the phenomenon is inexplicable. On these grounds the argument from design is unscientific though claiming to be based on scientific premises.

The disjunction between the belief that the world was created by an intelligent agent and man's experience of the world required no further elaboration for Bentham. But, as Hume had shown, this is not a conclusive argument against the belief in design, since a distinction can be made between beliefs which are reasonable and those which are irrational.<sup>17</sup>

The first class of reasonable beliefs for Hume are those which are influenced by thought and judgement, and these correspond to beliefs the truth of which is sufficiently indicated by the available evidence. These are to be distinguished from 'non-rational' beliefs which Hume further separates into i) beliefs which are held despite the existence of evidence that makes it more reasonable that we adopt an alternative set of beliefs, and ii) 'natural beliefs' of naive common sense to do with the nature of the world which are universal and a necessary precondition for action. The first class of non-rational beliefs it would clearly be irrational for a man to hold, but the second class, though non-rational, are yet reasonable beliefs for man to have about the world. The belief in God seems, in Hume's view, to belong to this second category of beliefs, that is, to the class of 'natural beliefs'. In the Dialogues Concerning Natural Religion he argued that there is no evidence either a priori or a posteriori to justify belief in God, but that it is common sense that men should assume his existence in accordance with the belief that the world is the product of a designing agent. There is no evidence that makes it more reasonable that men not believe that the world is the result of design.<sup>18</sup> Later in the Dialogues Philo makes it clear just how little is involved in this 'natural belief' which is impressed upon us by our belief in an ultimate principle of order in the universe, and this, like our belief in causation, is a necessary pre-requisite of action. Nobody, he points out, behaves as if the world is a chaos.<sup>19</sup> There might not be sufficient evidence to 'prove' the existence of God, but this does not mean that it is insane for us to believe that the world is the product of design. Experience cannot decide the matter either way.

This subtlety of reasoning, though the product of a sceptical mind, was not shared by Bentham.. Either there is undeniable evidence to support a proposition or there is not; if there is not then it is a belief which has nothing to do with the world of experience and as such is irrelevant to any discussion of the relationship between man and his world. It must be said on Bentham's behalf, however, that he was not so much concerned with the truth of the proposition that "God created the world" as with the problem of what kind of world exists. Even if we grant, which Bentham does not, that the world was created by a designing intelligence we are still not justified in ascribing any intentions to its creator other than what are actually realised in the visible constitution of things. In so far as nature and history testify to a certain degree of justice and beneficence in the distribution of pleasure and pain, the author of nature can be credited with justice and benevolence; but if on examination we perceive in the world inequalities of fortune irreconcilable with our notions of morality we have no grounds for inferring that God's intentions have been thwarted in the execution.<sup>20</sup>

Not surprisingly Bentham begins his analysis with an attempt to demonstrate the impossibility of man forming any other idea of God's attributes than a damning one. The less man knows of something the more he feels threatened by it. In this case it is man's ignorance of the after-life which leads him to fill the void by imagining its terrors, for fear, says Bentham, is 'the never-failing companion and off-spring of ignorance'.<sup>21</sup> Only knowledge can protect men from these superstitious fancies, and 'wherever our knowledge fails us and we are reduced to a state of unprotected helplessness, all our sense of security, all anticipations of future ease, must vanish along with it'. An unknown future necessarily comes 'fraught with misery and torment'.<sup>22</sup> Moreover, as pain is a

stronger sensation than pleasure so the idea of a posthumous existence is more likely to be conceived as a state of suffering rather than of enjoyment. Nor does Bentham mean this to be understood in merely psychological terms. To the extent that men use Nature and experience as a guide in their speculations, he argues, the Supreme Being will be seen as more likely to impose pain than grant pleasure. To men struggling to satisfy their needs 'pain alone, and want or uneasiness, which is a species of pain, are the standing provisions of nature ... want and pain, therefore, are natural; satisfaction and pleasure, artificial and invented'.<sup>23</sup>

It is man's uncertainty about what is in store for him after death, then, that leads him to fear the worst. But even where it is the rewards of the after-life that come most readily to mind it is, claims Bentham, 'impossible to conceive an expectation more deplorably uncertain ...'.<sup>24</sup> His point is that though such expectations are intense and durable to the utmost extent, this is the work of imagination and not experience. And in any case the attempt to visualise futurity is 'to exalt the conceptions of fancy to a level with real and actual experience, so that the former shall affect the mind as vividly as the latter', which, Bentham adds, 'is the sole characteristic of insanity, and the single warrant for depriving the unhappy madman of his liberty'.<sup>25</sup>

Experience is the touch-stone of this account and on these terms it is inconceivable to Bentham that religion should exercise the least influence upon human conduct since the conditions of its threats and punishments are veiled from sight. On the other hand, the pleasures and pains of this life unavoidably affect our conduct and experience teaches us the actions to which they are attached. Such knowledge is simply not available to us in respect of a posthumous existence. Any conceptions

men have of the character of this future world can only be formed upon the conceptions entertained of the character of the Deity, and these conceptions are notoriously distinguished by their failure to account for all the evidence. The predictable result of the 'fundamental data' should be no more or less than the conception of a capricious and tyrannical Being which causes us 'extreme and unmixed fear'.<sup>26</sup> Experience should convey to us the idea of 'an agency which we are unable to comprehend or frustrate', and the temper of mind which fear supposes is the disposition to do harm, which when 'conjoined to the power of effecting it at pleasure, constitutes the very essence of tyranny'.<sup>27</sup> To assume as the 'theological' exponents of utility do that the Deity treats us with favour and kindness is a presumption entirely inconsistent with reality, and even if it were consistent it is part of the essence of caprice that present behaviour provides no security for future behaviour. The actual conception of the Deity according to Bentham should really be a mixed one, perceived as fluctuating between good and evil, 'but infinitely more as an object of terror than of hope'.<sup>28</sup>

Bentham's explanation of why men continue to revere the Deity is typically shallow and depends on an insight into the psychology of man which is necessarily speculative. He posits it as a general characteristic of human nature that it is towards those who have 'the largest power of inflicting evil upon us, and who confers on us the most insignificant favours, that our encomiums are the warmest, our censure the most gentle and sparing'.<sup>29</sup> In other words, men conceive of God as differing only in degree from earthly possessors of power to whom their natural response is flattery. The only apparent difference is that the Deity has an added advantage over the earthly despot because it is supposed that He is 'the

'unseen witness of every thing which passes our lips - indeed even of our thoughts'.<sup>30</sup> Given that such is the character of the Deity based on experience what defence does man have? Browning's poem Caliban suggests that 'the best way to escape His ire/ Is not to seem too happy', on the premise that the tyrant Caliban is only angered by the happiness of those beneath him, while acts of benevolence to those weaker than himself give him cause to exult in his own power.<sup>31</sup> Bentham agrees that such is the conduct and attitude of all despots:

In all cases where the gratification of his love of power is allied with the happiness of his subjects, qualities conducive to that happiness will recommend themselves to his patronage. But it is a melancholy truth, that this coincidence seldom, we might say never, occurs. He who is thus absorbed in love of dominion, cannot avoid loving the correlative and inseparable event - the debasement of those over whom he rules; in order that his own supremacy may become more pointed and prominent ... Besides, his leading aim is to diffuse among his subjects the keenest impressions of his own power. This is, in other words, to plant in their bosoms an incessant feeling of helplessness, insecurity and fear; and were this aim realized, everything which deserves the name of happiness must, throughout their lives, be altogether over shadowed and stifled.<sup>32</sup>

This analogy provides the only clue to men as to what actions the incomprehensible and all-powerful Deity will find agreeable or disagreeable. It is, says Bentham, from man's experience of 'terrestrial potentates' that he draws 'the directive rule to which the inducement of natural religion affix themselves'. In the total absence of experience it is the only resource that man has at his disposal.<sup>33</sup>

For Bentham, then, knowledge is derived from experience and consists in the belief in 'certain facts', or 'in believing facts conformable to experience ...' The utility of beliefs, therefore, consists in their conformity with the perceptible physical world.<sup>34</sup> Bentham cannot accept

the 'noble lie' or 'double truth' view of the social utility of religion advocated by Voltaire and others. All human errors, he insists, are just so many consequences of such 'unsanctioned belief', belief, that is, in 'uncertified experience'. Beliefs in anything other than certified reality only serve to derange the mental system and prepare the intellect to receive unspecified quantities of other useless and 'uncertified' beliefs. Hence the disjunction between such beliefs and experience impairs a man's power to make sound judgements concerning his welfare.<sup>35</sup> Not even the first principle of religion, the persuasion of the existence of God, can be founded on experience. Men simply cannot have experience of something that is not all in one place but everywhere and at all times present. The invention of words in an attempt to explain this absurdity, claims Bentham, is unavailing. The terms 'invisible', 'omnipresent', 'infinite', and 'eternal' are abstractions which are irreducible to real entities. As such these words are, as Northrop Frye phrased it, 'linguistically unfunctional'. They are not the consequence of experience but of imagination. As we have seen, Bentham's belief in the possibility of a purely descriptive language is one of his points of vulnerability: the very basis of religion for him is 'an article of extra-experimental belief'<sup>36</sup> which it is impossible for a purely descriptive language to explain.

The belief in God's agency in the present life (not an article of natural religion as usually understood in the eighteenth century) is all the more questionable for Bentham on the grounds that to attribute events to the interference of the Deity is to 'dethrone and cancel the authority of experience'.<sup>37</sup> The assumption involved here is that the course of Nature has always been a constant and will remain so. The inviolability of the course of nature, Bentham admits, is a gratuitous assumption,

but he argues that it is essential to our notion of truth - it is 'the root from which all incompatibility between any two assertions, and therefore all proof of the falsehood of either, is derived'.<sup>38</sup> That he was more interested in the polemical point than in the internal logic of this argument is evident, for he writes that if a man did not assume the uniformity of Nature he would never have 'the power of distinguishing the true methods of procuring enjoyment or avoiding pain, from the false ones; ... qualifying us indeed for the kingdom of heaven, but leaving us wholly defenceless against the wants and sufferings of earth'.<sup>39</sup> The preference for reason and science over divinity is, therefore, a rational one. The whole fabric of human happiness depends on the conformity of belief with experience; in posing a threat to this conformity the extra-experiential beliefs of religion pose a threat to human happiness.

### iii) The Religious Sanction

A principal source of the disjunction between beliefs and experience, causing weaknesses and even insanity in the minds of men, is religion itself. The religious sanction is frequently used to elicit or suborn unwarranted beliefs, and the 'distorting influence' of religious exercises numbers belief in the catalogue of duties and merits, and unbelief in that of crimes and offences. The consequence of this is that wherever the religious sanction is effective it can be used to make a man believe 'that which he would not naturally have believed and to disbelieve that which he would not naturally have disbelieved'.<sup>40</sup> In the natural course of things it is upon the basis of evidence that a man makes his decisions in life, and rewards and punishments are 'a lateral and extraneous' force



which induces belief irrespective of proof. While a book is in a man's hand no one will say it is not, but in matters where truth is not immediately ascertained but depends on the comprehension of 'various and wide-spread fragments of evidence', there is no restriction on the selection and emphasis of certain kinds of evidence. It is in cases like this, says Bentham, that hope and reward can provide a motive for setting some preferences above others; the 'mind gravitates almost unconsciously towards the gainful side, as it shrinks from the terrors of the opposite prospect'.<sup>41</sup> An odd paradox of psychology frequently occurs on these occasions: the weaker the evidence the greater the merit in believing.

Bentham's reasoning is instructive here:

if it is necessary to encourage belief by an artificial bounty, it would be useless to apply stimulus to any doctrine which would of itself command the assent of mankind. The bounty must go where it is most needed; that is to the support of doctrines which have little or no support of their own - and the largest slice of it to those which require the greatest encouragement, and would stand the least chance of being credited without it.<sup>42</sup>

The religious sanction induces belief not according to reason but according to a calculation of profit or loss, but the profit or loss in question is illusory. Reason, says Bentham, is the 'only safe director' where the pleasures and pains of this life are concerned.<sup>43</sup> The inducements of religion tend to blind and confuse men; they induce a 'habit of credulity' and a reluctance to examine conflicting testimony, 'rendering a man an easy prey to deceit and error, and thereby exposing him to incessant disappointment and loss'.<sup>44</sup>

Occasions when the religious sanction serves any useful purpose are few, claims Bentham. Where crimes are difficult to detect the threat of human penalties is often ineffective, and religion might act as a restraint

on action. But the exceptions are few and undetected crimes will become more infrequent as legal systems move in step with the progress of philosophy and become better contrived.<sup>45</sup> By a typically paradoxical turn of logic Bentham even argues that the present general inefficiency of the religious sanction in preventing crimes is really a good thing, since it acts as a 'safeguard to human comfort'. His reasoning is that such are the fanciful thoughts of men regarding the torments of Hell that the deficiency of the punishments of damnation in terms of propinquity and certainty 'practically annuls the most dreadful of all expectations'. The mind takes comfort in the uncertain and remote consequences that constitute the penalties threatened by the religious sanction.<sup>46</sup>

That Bentham does not give due consideration to the religious mind is evident. He writes of the temptation to commit a crime as absorbing 'the whole soul' such that it is difficult in many cases to counteract it even by the most immediate and unequivocal prospects of punishment, and that this is only exacerbated by the remote and uncertain nature of the punishment threatened by the religious sanction.<sup>47</sup> His argument, however, is unconvincing. For it is not on the occasion of temptation that religion works most efficaciously; the religious conscience is not summoned on the occasion of temptation, rather it is in constant attendance. The truly religious person is usually disposed to habits of behaviour such as rarely lead to the temptation to commit crime. Like the utilitarian, the man of religion hardly needs to reflect or calculate on every particular occasion on which he is tempted, but knowing that something is wrong, he automatically dismisses the temptation as unconformable to the prescriptions of his faith. Bentham ignores such arguments, convinced that the kind of mind into which posthumous apprehensions find an easy admittance

'is that in which congenial feelings have been predominant - a state of timidity and depression, when gloomy associations overspread the whole man, and cast horrors and wretchedness round his future prospects'.<sup>48</sup>

That this is a caricature of the religious mind there can be no doubt, and Bentham makes it an even more outrageous depiction when he claims that such a nervous disposition borders on insanity and 'frequently terminates in it'.<sup>49</sup>

What efficacy the religious sanction does have Bentham believes can be traced to the moral sanction, and in particular to the desire for public reputation. Naturally, he explains, it is 'in the interest of the individual to keep this motive from view 'pretending to be influenced only by genuine veneration for the being whom he worships', however, there is no doubt that it is the popular sanction which not only 'enforces the delivery of the homage', but 'also compels the deliverer to 'carry all the marks of being influenced solely by religious inducements'.<sup>50</sup> By a piece of grand self-delusion the individual endeavours to convince himself that he is genuinely motivated by devotion to God; his account of his conduct, originally insincere, he will eventually be able to convert into an 'unconscious and unintentional error'. In such a manner, argues Bentham, do religious inducements enlist in their service the arm of public opinion: it being in each man's interest that his neighbours should be virtuous, he thus knows that if he acts in a virtuous manner public opinion will approve of his conduct. The consequence is that mankind apply the same encouragements and prohibitions, though from different motives, to pious and impious behaviour as they apply to genuine virtue and vice.<sup>51</sup> The man, then, who is a scrupulous renderer of religious services finds it in his interest 'to swell the merit of performing them,

and the criminality of neglect, to the highest possible pitch, in order to create a proportionate distribution of their esteem'. The more deeply he impresses this conviction upon his fellowmen, the greater will be the veneration afforded to himself.<sup>52</sup> Thus what men take to be the consequence of religion, according to Bentham, is more properly the result of a sensitivity to public opinion. Several examples are brought to light in the attempt to substantiate this argument, each one of which is meant to reveal the inefficacy of the religious sanction when public opinion either opposes or does not support it. None of the examples are convincing: 1. Faced with the possibility of a duel the religionist accepts. No man will give him credit for his attachment to the Deity, says Bentham, simply because he declines a duel; they will merely think him a coward. 2. Public opinion does not forbid fornication, but 'leaves the divine admonition to operate unsupported', and 'the state of all great cities notoriously attests' to the extent to which this is successful. 3. 'Simony, again, is forbidden in the religious code with equal strictness, and practised with equal frequency'. 4. In taking an oath a man calls upon God's vengeance should he break it, but the expectation of divine punishment 'has not, when stripped of the consentient impulse of public opinion, the slenderest hold upon his actions'.<sup>53</sup> Reading this one has the impression that every crime committed would stand as a testimony to the inefficacy of religious beliefs for Bentham. In fact the attempt to prove the irrelevance of a given man's religious beliefs to his commission of a crime can at best establish that in this or that particular instance the dictates of religion have been subordinated to other considerations. One might just as well point to all the persons to whom duelling, fornication, the selling of ecclesiastical offices, and

perjury are anathema, and declare their disapprobation to be a proof of the strength of their religious faith.

More interesting is Bentham's argument that religion perverts the popular sanction. No temporal advantage, he argues, is gained by the enlisting of public opinion by religion; it merely 'draws off a portion of the popular favour, from its legitimate task of encouraging acts conducive to human felicity: ...' It 'cheats the public into the offer of a reward for conduct always useless, sometimes injurious - and embezzles part of the fund consecrated to the national service, for bribery on the personal behalf of the monarch'. Thus distorted the popular sanction becomes 'the unconscious instrument of evil', for now the terms of moral approbation and disapprobation are transferred to actions with no 'legitimate' connection with public happiness. The deceit is doubly to be deplored because it casts the science of morality 'into utter darkness and embarrassment'.<sup>54</sup> Reverting to his analysis in the Introduction<sup>55</sup> Bentham argues that moral actions are then subject to relativist considerations and the moralist, unable to range actions under any common rule, is forced to set them down 'in a catalogue one after another, as distinct and heterogeneous dictates of a certain blind and unaccountable impulse, which he terms a moral instinct or conscience.' In other cases, where men all agree, 'he appeals to this universal consent as an invisible testimony to the justice of the feeling, and extols the uniformity of nature's voice'. Where men happen to differ 'he compliments the particular sect or public, for whom he writes, as having singly adhered to the path of right and the dictates of nature, and bastardizes the rest of mankind as an outcast and misguided race'.<sup>56</sup> Religion, by its excessive misapplications of praise and blame, is the main cause of this

reduction of the science of morality to a 'stagnant and useless condition'. It has introduced fictitious 'intuitions' into the science of morality.<sup>57</sup>

Bentham's conclusions are that the religious sanction is not merely impotent but pernicious, and that its consequences are only beneficial to the community in so far as public opinion comes to its aid, or in so far as it produces 'casual and peculiar associations in the minds of some few believers who form an exception to the larger body'.<sup>58</sup> However, to build a general doctrine on the evidence of these 'few believers' is a 'most unsafe and perilous' way of proceeding in the science of morals. The science of morals, therefore, is to be contrasted with the supposed 'science' of the clergy, which is founded not on concrete experience but on extra-experiential matter. As such this is a false science; it is the science of 'immaterial entities', a science of the world of which we have no experience. It is the science 'of those things which we neither see, nor feel, nor hear, nor taste, nor smell; but which nevertheless, we are supposed to know without any experience at all'. Yet this false science, laments Bentham, has gained for itself a distinct and privileged position in society, and 'reflects on its practitioners and professors all that credit which is annexed to superiority in any other department'.<sup>59</sup> It 'subsidizes a standing army' of 'wonder-working' priests, who deprave the intellect of man and cherish superstition, and who form an 'unholy alliance' with 'the sinister interests of the earth'.<sup>60</sup> In this sense the science of morals, the science of politics, and perhaps the nature of science itself,<sup>61</sup> ultimately depend on the elimination of this alliance and of the false science upon which it is based.

For Bentham, then, a world without religion would be no loss to man but really a positive good. He believed that the ethical imperative to contribute to the general happiness could only be advanced once religion was no longer a factor confusing the minds of men. When religion is eliminated it leaves behind in the moral and political sanctions motives sufficient for the maintenance of conduct useful to mankind and ample to deter men from conduct injurious to it. Nor will the benefits to society of pious persons be lost since the motive to benevolence, properly understood, does not change on the supposition that the end of a man comes with the termination of his earthly existence. The truly benevolent will remain benevolent regardless of whether the supposed rewards of the after-life really exist or not. Practices beneficial to human happiness are the same the world over although practised with varying degrees of strictness from one culture to another. It cannot be the case, therefore, that Christianity consists in 'the manifestation of qualities which confer temporal benefit on mankind, since these are capable of universal growth in every climate'.<sup>62</sup> Bentham, of course, was willing to admit that the dictates of Christianity sometimes coincided with utility, but his response to this was that on these occasions Christianity is superficial: its dictates happen to be 'precisely coincident with human laws'. Moreover, these occasions of coincidence are infrequent: the mandates of religion 'diverge so strikingly from the decrees of legislators' that it is 'altogether impossible' for them to be directed to the promotion of temporal happiness.<sup>63</sup> In arguing this, however, Bentham does little justice to the inspirational and spiritual value of Christianity which it is impossible to reduce to a set of rules to be compared with human laws. The underlying problem here, and with the whole approach in the Analysis,

is the failure to strictly observe the distinction between revealed and natural religion stipulated at the beginning of the work. Christianity is the product of revelation and cannot be reduced to 'natural religion' in the manner chosen by Bentham. It is something more than merely the belief in a future day of reckoning and this 'something more', defined in terms of faith and love, was something Bentham never could understand. Consequently, he ignored it, preferring to focus his analysis on the fruitless exposing of the 'extra-experiential' character of religious beliefs.

## 2. Not Paul, But Jesus (1823)

In Not Paul, But Jesus, Bentham's critique of religion is carried on at a different pace and level than in the Analysis, but he has the same end in view - the elimination of religious beliefs. As early as 1812 Bentham was planning to 'expose' St. Paul and his teachings and thereby to strike at the historical foundations of Christianity. In the outline for the abandoned work on the 'Church' he advanced the view that 'disbelief in the divine mission of Paul, is not inconsistent with belief in that of Christ'.<sup>64</sup> In 1815 he returned to this subject and made it the ostensible theme for what was largely finished in 1818 and eventually published as Not Paul, But Jesus in 1823. The standard version of St. Paul's life and teachings at this time was Paley's and Bentham was well aware of this.<sup>65</sup> At the conclusion of Horae Paulinae (1790) Paley summed up the character and accomplishments of the saint as follows:

Here then we have a man of liberal attainments, and in other points of sound judgement, who had addicted his life to the service of the gospel. We see him, in the prosecution of his purpose, travelling from country to country, enduring every species of hardship, encountering every extremity of danger, assaulted by the populace, punished by the magistrates,



scourged, beat, stoned, left for dead; expecting wherever he came, a renewal of the same treatment, and the same dangers, yet, when driven from the city, preaching in the next; spending his whole time in the employment, sacrificing to it his pleasures, his ease, his safety; persisting in this course to old age, unaltered by the experience of perverseness, ingratitude, prejudice, desertion; unsubdued by anxiety, want, labour, persecutions; unwearied by long confinement, undismayed by the prospect of death. Such was St. Paul.<sup>66</sup>

This is the eulogistic version of St. Paul that Bentham takes issue with in Not Paul, But Jesus.

Repetitious, long-winded, painstakingly detailed, making much use of ridicule as the test of truth, Not Paul, But Jesus is an odd work, pretending to treat of the doctrinal differences between Paul and Jesus, but actually containing few discussions of doctrine. Only on the question of the resurrection of the dead is Paul seriously brought to task by Bentham for doctrinal irregularity. 'Paul', he writes, 'preached the resurrection of the dead. Agreed. But that resurrection of the dead which he preached, was it not a resurrection, that was to take place in the life-time of himself and other persons then living? And - any such resurrection, did it accordingly take place?'<sup>67</sup> That Not Paul, But Jesus is a thinly disguised attack on the religion of Jesus there can be no doubt. Bentham, however, found it useful from time to time to use the doctrines taught by Jesus to bolster the principle of utility against the principle of asceticism which he attributes to the teaching of Paul. It is to this principle, he claims, that the mischiefs of contemporary Christianity can be traced. To contrast Paul with Jesus is a handy polemical device. Preaching 'in declared opposition' to the eleven Apostles of Jesus, Paul espouses doctrines which are responsible for the antagonism occasioned by Christianity, despite its otherwise benevolent

system of morals. Paul's words are an 'incumbrance' from which it can only be beneficial for Christianity to dissociate itself.<sup>68</sup> Most notably the notion of an Antichrist is a 'fabulous one, created by Paul, and nursed by the episcopal authors and editors of the Church of England, translators of the Bible: ...'<sup>69</sup> This Antichrist, says Bentham, is a 'spirital monster', a 'hobgoblin', the 'child of the self-appointed Apostle's brain', and to extinguish it would calm 'a mass of disquietude, which how, completely soever groundless, is not the less afflicting, to the minds into which it has found entrance'.<sup>70</sup> The real Antichrist is Paul himself; 'an Antichrist of flesh and blood'.<sup>71</sup>

When finally published Not Paul, But Jesus drew several sharp attacks.<sup>72</sup> The Reverend T.S. Hughes flatly accused "Gamaliel Smith" of plagiarism, and it is probable that Bentham did borrow from a work by the Deist Peter Annet, entitled The History And Character Of St. Paul Examined (c. 1750).<sup>73</sup> That Bentham borrowed his "Conversion Table", at least, from Annet is unquestionably true. But Not Paul, But Jesus went far beyond Annet's brief work. It expanded on the treatment of certain passages in Paul's Epistles, introduced additional topics, and relied on the interpretation of the original Greek terms in which the Bible was written. Most notably, as Professor Steintrager has said, 'the idea of distinguishing between Paul and Jesus, though vaguely implicit in Annet, was Bentham's device for trying to appear as a sincere, reforming Christian'.<sup>74</sup>

"Ben David", a pseudonym for the Unitarian Minister John Jones, was certainly not fooled by this tactic. He thought it a 'snare' to entrap the reader and was sure that 'if this publication succeeded, it might soon be followed by another from the same pen, entitled

"Neither Paul nor Jesus". Not Paul, But Jesus, he complained, was a work of such a frivolous nature that it shocked even 'free thinking Christians'.<sup>75</sup> Bentham's irreverence, always apparent in the text of Not Paul, But Jesus, became scurrilous in his correspondence of the time. Upon being informed by John Koe of the praise of an unnamed French admirer he replies:

Suppose not that I am "puffed up". I have learnt of Saint Paul, to boast of not boasting: as to the glory, I give it to God, who gives it to me back again with the additional glory of piety and humility for the use of it. In the French man I behold Saint Peter: that Peter who to save his bacon denied Christ. Well - we have all of us our weaknesses (No. 1 always excepted) And so the snivelling (?) dog would not give up his place! Whom shall I have with me in paradise? As for Saint Paul amongst other discoveries, I have discovered his identity with Cobbet (sic): Cobbet is as surely he as Pythagoras was Panthoides Euphoribus: at the time of the Trojan war if you happen to remember it.<sup>76</sup>

And again in the same letter he writes, this time in a more humorous vein:

'... I have found that Locke was no more the author of the Acts than you were. You don't remember writing any such thing do you? I think you must have been very young when you wrote such stuff if you did'.<sup>77</sup>

#### i) The Unpublished Manuscripts

Whatever the shock occasioned by Not Paul, But Jesus, however, it would undoubtedly have been all the greater had some of the suppressed material been published as Bentham intended. The scope of his original plan is indicated in a proposal he prepared in late 1817 for William Beckford, the author of The History Of The Caliph Vathec.<sup>78</sup> In addition to the material published the first book was to include a more thorough treatment of some of the doctrinal differences between Jesus and Paul, particularly as they touched upon the subjects of asceticism and mysticism. It is also clear from the Summary View Of A Work, Intituled Not Paul, But

Jesus, published by Bentham in 1821, that he intended to include a history of the Church from the ascension of Jesus to about two years after Paul's arrival at Rome, a period of about thirty years. But, as he tells us in the 'Plan of the Work' at the front of Not Paul, But Jesus, he decided 'to reserve it for another time'. An appendix outlining the inducements of 'a temporal nature' which influenced Paul and set him upon his deceitful scheme was also planned but discarded from the published work.<sup>79</sup> In a second book Bentham intended to explore in greater detail the differences between Paul and Jesus on the subject of asceticism. Under the title 'Sextus' this book was to have been an elaborate statement against the doctrine of asceticism, and religious asceticism in particular.<sup>80</sup> A third part or book was also planned on the subject of 'Asceticism: its repugnancy to the religion of Jesus', intended to show how Jesus, through his words and deeds, opposed asceticism and actively supported the type of sexual freedom Bentham defended.<sup>81</sup> More revealing of Bentham's actual view of Jesus in these unpublished manuscripts, however, is his exposé of the political motives that inspired his actions.<sup>82</sup> According to these suppressed manuscripts Christ's real mission was not to establish a religion or advance moral principles, but to acquire sovereign power over the Jewish nation. It was only when his movement began to fail that he developed the notion of a spiritual kingdom as a cover or refuge to prevent the detection of his revolutionary plot before it was sufficiently advanced.<sup>83</sup> When pressed he claimed that he was only an orator or a moralist, a social reformer, therefore, and not a revolutionary. That a moral teaching did emerge from the words and deeds of Christ does not seem to have made any difference to Bentham. He not only rejected any belief in the divinity of Jesus,

but also saw little sense in those who thought the moral teaching of the Gospel in any way useful or edifying. Its defects were that it was not stated in language that was clear and concise; that it took no account of the peculiarities of the time and place in which it was formulated; and that it did not provide specific quantities of punishment for the infringement of its rules even when these rules were known.<sup>84</sup> In any case Christ's moral teaching was only a pretext. In the Sermon on the Mount, he preached the social class of virtues solely for the purpose of uniting his followers behind his revolutionary aims. General benevolence was not the direct object of his efforts; but only a means to a very different political end.<sup>85</sup>

We might pause to consider here that Bentham's argument against the moral worth of Christ's teachings is not really to the point, at least in terms of utilitarian moral theory. For is it not consequences rather than motives that have to be considered when estimating the morality of an action? Bentham, however, seems to have realized this. His point, as Professor Steintrager noted, was rather that Christ's seizure of power could only be achieved by 'bloody, violent, and destructive means' and such methods are incompatible 'with the exercise of any considerable influence in the part of the social class of motives'.<sup>86</sup> The more serious criticism Bentham makes is that the salutary effects of Christ's teaching are only apparent. He taught what was 'necessary at the moment to the formation of that particular community' which he was seeking to establish, but this is 'incompatible with the continuance either of every other society, or even of that very society in and to the formation of which they had served'.<sup>87</sup> The practice of absolute benevolence, the denigration of self-regarding affections, and praise of meekness, when enjoined without

any limitation, would together conspire to destroy society. No society could have the stability and security it needs to flourish by adopting such a teaching:

By the utmost prevalence of the self-regarding and dissocial affections they could not be made to suffer for so much as they would by the pursuit of the dictates of the social to the degree here recommended, coupled with the debilitation or extinction of the self-regarding and dissocial: - the self-regarding suffice for preventing the dissocial from presenting any such fatal effects.<sup>88</sup>

As usual Bentham reads the New Testament literally and interprets the words of Jesus in strict fashion. If all men seek to do good to others whenever and wherever they can then they will destroy themselves; they will neglect their labours to serve others and in the process give up all security and the requirements for their own preservation.

Such an attack on the founder of Christianity if it had been published would no doubt have been thought outrageous by his contemporaries, yet it was clearly Bentham's intention to publish these manuscripts. Professor Steinberger, believing this design to be unmistakable, and that his intention to publish all the work was unequivocal, planned to do exactly that in his edition of Not Paul, But Jesus for the Collected Works, and to supplement this with the early manuscripts on sexual nonconformity. I will return in the final part of this chapter to consider these latter manuscripts. For the moment, however, it is my intention to deal with Not Paul, But Jesus as it was published by Bentham.

## ii) Paul's Motives

In Not Paul, But Jesus we have what purports to be a comparative view of the two entirely different religions embodied respectively in the Epistle to the Romans and in the Sermon on the Mount. In actual fact Bentham presents us with a historical investigation of the relations between Paul and the original Apostles intended to discredit the motives and actions of the former. Paul is portrayed as the converted persecutor of the Church, ambitious, worldly, an intriguer, ready to manipulate the community of Christians in order to attain his own selfish ends. The core of Bentham's argument turns on the fact that the 'temporal enjoyments' Paul obtained from his work were of such a magnitude that he needed no other reason for pursuing the course of action that he did.<sup>89</sup> The motive of his faked conversion on the road to Damascus was nothing more than 'temporal advantage'.<sup>90</sup> As a consequence of his career as a persecutor of the Christians, Paul was well aware of the pecuniary rewards to be gained from being a leader among them. He 'could not ... have failed to obtain a considerable insight into the state of their worldly affairs', and would also have been aware of the offer of the sorcerer Simon of Samaria to purchase at great cost from the Apostles a share in the government of the Church. Though the sorcerer's offer was refused it would surely have made known the commercial possibilities involved, and to Paul's 'alert and busy mind' the Church would have appeared as 'an inviting field of enterprize'.<sup>91</sup> Employing the expertness he had acquired in the Greek language, Paul set out to establish 'an empire over the minds of his converts' and, by that means, to acquire that power and opulence which he so desired.<sup>92</sup> The agreement that Paul

made with Peter and the other Apostles to work only among the gentiles made admirable sense for a former persecutor of the Christian Jews and was inspired solely by 'worldly ambition'. For his plan to work, Paul needed the charismatic name of Jesus, and this meant the sanction of his chosen Apostles.<sup>93</sup> The prime object of his ambition was to be nothing less than the 'President of the Christian Commonwealth'.<sup>94</sup>

Bentham's interpretation of Paul's conduct has been assailed by more than one critic. One commentator has pointed out that it was entirely out of step with the times: 'Appearing in 1822 (sic), it only becomes intelligible when read in the light of his personal circumstances, his absolute isolation from the intellectual currents of the age, his entire ignorance of history, and the low view of human nature generated by the habit of relying on motives of pecuniary interest'.<sup>95</sup> The theory of imposture, it is true, had been completely discredited by the time Bentham wrote. Few dissented from Paley's opinion in A View Of The Evidences Of Christianity (1794) that the Apostles were credible witnesses because they were willing to stake their lives on the reality of the events they professed to have seen. The device of concentrating on motives was a new variation on the old theme of imposture. Another commentator described the effort as 'bizarre beyond all description'.<sup>96</sup> Bentham was no Biblical critic and was ill-equipped to be sensitive to the symbolism and figurative language of holy scripture. The Bible was to him merely a 'historical work'. If the three accounts of Paul's conversion given in the Acts of the Apostles differ one from another then the differences can be used to show the impossibility of the conversion ever having taken place at all. The conversion, therefore, was an imposture.<sup>97</sup> But Bentham had an overriding purpose in his polemic, and it was not to



understand Christianity but to argue it out of existence. Whatever resources came most readily to hand he employed. That the distortion of history and holy texts mattered little to him he willingly confessed: 'An error, he writes, 'if such it be, which ... has now for upwards of seventeen centuries past, maintained its ground throughout the Christian world, cannot, without the utmost reluctance, be parted with: for dissolving the association so unhappily formed, scarcely, therefore, can any argument which reason offers be deemed superfluous'.<sup>98</sup>

If by noting every occasion on which Paul speaks of money it can be insinuated that he used for himself the money which he collected ostensibly for the benefit of his congregations, then Bentham was ready to employ such a means. Nor was the connection with the sinister interests of the present Church and its corrupt clergy to be missed. Part of the Appendix to Not Paul, But Jesus, which reproduces the titles of the chapters and section heads of the discarded material on 'the History of the Church of Jesus', was utilised as a vehicle for attacking 'Church-of-Englandism'. So long as the religion of Jesus continued in its pristine condition 'all was good government, all was equality, all was harmony', but in the fourth century 'despotism took possession of it, and made an instrument of it'.<sup>99</sup> Bentham leaves us in no doubt that the condition of the Church, both in its Catholic and Anglican form, has changed little since.

### iii) Paul's Miracles

Of particular interest in Not Paul, But Jesus is the discussion of Paul's miracles, including his conversion, since it is here again that Bentham employs the methods of the natural sciences, though the whole

discussion is carried on in terms more appropriate to a court room than to a philosophical or theological controversy. What is thus revealed is his entirely secular view of the historical foundations of Christianity. Deists in the early part of the eighteenth century, like Matthew Tindal and John Toland, had questioned the reality of revelation and denied the sufficiency of the proofs advanced on its behalf. Prophecies and miracles, they argued, do not convince that any communication had ever taken place between God and man. Their aim, however, was to establish the sufficiency of natural religion as the basis for faith in a divinely created order. Bentham, on the other hand, believed that he had already shown that there were no empirical grounds for the belief in natural religion. Now by attacking revelation, his intent was to complete his critique of the foundations of religious beliefs.

According to Bentham the Bible has special problems which make it an unreliable source from which to draw rules of conduct. Early in his career (c. 1774) he argued that we must be sure of four things before any credence can be given to Scripture:

1st. The general inspiration of the writer. 2ndly. The particular inspiration of the writer of that passage of his writing. 3rdly. The authenticity of the text: 4thly. The propriety of the interpretation put upon it: in a case where according to that interpretation the doctrine of it would appear to mitigate against a conclusion of utility.<sup>100</sup>

Implied in what Bentham says here is that this is a lot of believing to require of anyone without very solid supporting evidence. More especially, however, his point is that non-utilitarian interpretations of Scripture are suspect. Bentham makes little of the latter when considering the miracles of Paul, but the former is at the centre of his discussion. It

is the disjunction he perceives between Paul's claims to be working directly under the command of God and the knowledge we have of the Apostle's life and of the actual workings of the world, which leads him to deny the truth of these claims.

Miracles, he had written in the Analysis, are founded upon the extra-experimental belief that God interferes in early affairs, or more precisely, miracles are 'fictions by which the human intellect has ... been cheated and overrun ...'<sup>101</sup> Paul's revelation was a fraud of this nature, and Bentham believed that this could be established by reading Paul's own version of the events by which he came to the Christian faith. In the Epistle to the Galatians, for instance, Paul omits to explain the circumstances of his revelation and this draws the retort:

Revelation? revelation from Jesus? from the Lord, speaking from heaven? from the Almighty? On what occasion, in what place, at what time, in what company (if in any,) was it thus received? To no one of these questions does he venture to furnish an answer - or so much as an allusion to an answer. Why? - even because he had none to give.<sup>102</sup>

The reason for Paul's ~~forbearance~~, Bentham explains in his role of prosecutor, is because in attendance when this epistle was delivered were the Apostles and men acquainted with the Apostles, that is, 'men who would surely have denied what he said'.<sup>103</sup> In the eyes of the Apostles Paul's revelation, he says, was a fabrication and it is strange that modern Christians 'who ... know nothing about it, take it for granted that it was all true'.<sup>104</sup> A man's will cloaked in revelation is apparently transformed into the will of God and it is claimed that it is the duty of every man to obey this will. Accordingly that man's will is obeyed and few bother to consider the grounds of the miraculous transformation.

There is little testimony to support the supposed miracles of Paul. Bentham's analysis proceeds in typically peremptory and disdainful

fashion. The blinding of Elymas the sorcerer (Acts xiii, 6-12) is explained in terms of an agreement between Paul and Elymas to their mutual benefit. The healing of the crippled Lystra (Acts xiv, 8-11) is accounted for by portraying Lystra as a vagrant hired 'for a few pence' to act a part designed by Paul. The exorcism of the Devil from Lydia (Acts xvi, 16-18) cannot be substantiated since nobody saw the Devil, not even the historian who recorded the deed. The earthquake at Philippi which created the opportunity for Paul and Silas to escape from prison (Acts xvi, 25-40) was brought about 'by means altogether natural'. Paul's vision at Corinth (Acts xviii, 7-11) cannot be verified since only he was a witness to it. The exorcisms at Ephesus (Acts xix, 1-12, 13-20) have no evidence of persons, times or places to support them. The raising of Eutychus from the dead (Acts xx, 7-12) is confuted by Paul's own account of the matter. The comforting of Paul by an angel (Acts xxvii, 20-25) is a lie formulated by Paul himself. His survival of a snake-bite (Acts xxviii, 1-6) is explained by the fact that the snake, at that moment, 'happened ... not to be provided with a competent stock of venom' having 'already expended it upon some other object'. Finally, the curing of the father of Publius (Acts xxviii, 7-10) was not brought about by Paul's intervention but by the fever ceasing of its own accord; to which Bentham adds, that expecting the abatement of the fever Paul timed his intervention well.<sup>105</sup>

Evidently, then, Bentham believed that the Scriptures are to be treated as any other historical writings, that is, according to methods applied in all other areas and periods of human history. If miracles, being events which transcend or violate the laws of nature, do occur then we cannot draw a line and admit the truth only of a special class of

reports of miracles, denying on general historical grounds that any other reports down through the ages could possibly be true. If we do this we give up the possibility of writing history altogether. On the other hand, if we accept the historian's presupposition of a connection between natural causes and natural events then we must deal not with miracles but with stories of miracles. This was clearly Bentham's position and, as we have seen, he found no difficulty in supplying an account of such 'stories'. Some are explained in terms of natural events, some are dismissed because of the lack of corroborative evidence, while others are simply frauds perpetrated by Paul and explained in terms of subterfuge. Bentham's strong case against the belief in miracles, however, is much like that given by Hume in his essay 'On Miracles': the ultimate standard is always derived from experience and observation and a wise man will always proportion his belief to the evidence.<sup>106</sup> The business of miracles is to tell us something about the supernatural world that we did not know before and could not have known without their aid. All our experience of this world, however, acquaints us with general laws of nature to which the miraculous must be an exception. The case for miracles is entirely founded upon human testimony, but experience has shown that the testimony of witnesses supporting the occurrence of supernatural events is notoriously unreliable.<sup>107</sup> Moreover, experience also shows that the general judgement of mankind deprecates testimonies to the miraculous; to dismiss such reports as incredible is the usual response of mankind. Added to this is the fact that different religions have different canons of miracles and treat with scepticism the miracles of other religions.<sup>108</sup> From this Hume concluded that the majority of mankind supported him in the refusal to believe in miracles on any

evidence that may be produced on their behalf. No amount of testimony in favour of belief in a miracle, he claimed, could conceivably balance, let alone outweigh, the evidence against it, or, what comes to the same thing, in favour of the law or laws of nature it allegedly violates.<sup>109</sup>

Though it is not known whether Bentham had read Hume's essay the principles which inform his own analysis of miracles clearly identify him as a critic from the same school of thought.<sup>110</sup> Miracles, if they exist, he says, must involve 'the suspension of the laws of nature'.<sup>111</sup> It is 'ignorance of the powers of nature, of the extent of them, and of their limits', he recorded in his Commonplace Book of the years 1781-85, that is the cause of the credulity of people regarding miracles.<sup>112</sup> And in Not Paul, But Jesus he defines a miracle as 'a special act of Almighty power, an effect produced by means disconformable to the uniform course of nature ...'.<sup>113</sup> To persons, therefore, whose judgement on the subject of miracles has for its ground 'the nature of the human mind as manifested by experience' miraculous appearances are to be accounted for on other grounds than God's interference in the affairs of the world.<sup>114</sup> If a miracle were reported today the response of persons who heard of it would surely be sceptical; who can doubt, Bentham writes, that if Paul's exorcism of Lydia were 'spoken of in some newspaper, as having happened in the present year' that it would, 'by its disconformity to the manifest state of things, and the whole course of nature, be regarded as too absurd and flagrantly incredible to deserve to be entitled to a moment's notice ...'.<sup>115</sup> Moreover, what is believed to have happened at so many centuries distance is accepted on the authority of the testimony of witnesses, but for the most part such evidence is at best of a circumstantial kind. Bentham's legal training is evident;<sup>116</sup> Paul's

revelation is based on flimsy and often conflicting evidence. 'On such evidence', he asks, 'would any Judge fine a man a shilling?' And in an extraordinary outburst Bentham censures Locke and Newton for believing Paul's revelation when the evidence was so slight: 'O Locke! O Newton! where was your discernment!'<sup>117</sup> In the case of Paul's conversion the evidence is especially damning. Paul was supposed to have been accompanied on his journey to Damascus but the only testimony to his conversion comes from himself and there is no 'collateral evidence' from any independent witnesses.<sup>118</sup>

The legalistic turn of Bentham's analysis is in fact manifest throughout Not Paul, But Jesus, and he even planned to include a section in the work on 'the general foundations of the law of evidence', but subsequently discarded it from the finished text presumably on account of the lack of space.<sup>119</sup> He may even have been influenced to adopt this approach after reading Paley's Horae Paulinae, described by Archbishop Whately in a lecture of 1859 as 'an admirable exercise in the art of sifting evidence'.<sup>120</sup> Bentham's own weighing of the evidence, however, seems to have been less judicious than the reverend's and decidedly less than he would have expected at the hands of Lord Mansfield or any of the other judges of his day. His approach can be faulted on several counts. First, his attempt to reveal the fraud supposedly perpetrated by Paul depends for much of its force on the contradictions and omissions he finds in the competing accounts of his revelation. This notion of conflicting reports of an incident, however, is rarely accepted as conclusive proof, even in a court of law, that such and such an incident did not take place. For example, the conflicting newspaper reports of a natural disaster, such as a flood or an earthquake, do not make liars

of the journalists who reported the incident. There might exist uncertainty as to the timing of an earthquake and the manner of its occurrence, but this would not lead the reader to doubt whether the event actually occurred. Even should the evidence of other witnesses make the occurrence of the event in question more improbable the natural reaction is not to move to disbelief of the original reports but to suspend judgement until some future occasion. Bentham adopts a more rigid line of approach: he declares that what seems 'improbable' cannot be taken for truth,<sup>121</sup> yet in every case where events seem improbable he moves directly to disbelief.

Second, the evidence brought to support Paul's revelation and his miracles is necessarily of a circumstantial kind, and by Bentham's strict legalistic standards inadmissible or, when faced with the conflicting experience of the laws of nature, insufficient proof of their actual occurrence. But at one point he admits that the evidence for Paul's guilt contained in the Acts of the Apostles is itself of a circumstantial kind.<sup>122</sup> The motives for Paul's conduct, Bentham claims, are not easy to establish from evidence in the Scriptures, and 'must in great part be left to conjecture: - to inferences drawn from the known circumstances of the case'.<sup>123</sup> The evidence of Paul's ambitions for power and wealth which he provides is entirely of the circumstantial kind: Paul was a persecutor of the Christians, he was aware of the power the Apostles had over them and of the wealth to which they had access in the Christian communities, ergo Paul preaches Christianity in order to gain a position of power among the Christians which will give him access to their wealth.



Third, Bentham's employment of a legalistic notion of evidence in Not Paul, But Jesus cuts across the grain of his natural science account in the Analysis in which he claimed that all facts are established by experience and observation. In the latter work his hostility was masked by this appearance of cool scientific impartiality, but this is absent from Not Paul, But Jesus. He claims that the truth of Paul's revelation could be accepted if reliable witnesses could be brought forward to testify to it,<sup>124</sup> but where witnesses to miraculous events, persons who have experienced or observed them, are brought to light their testimony is unacceptable to Bentham. It is contradicted by other reports, there are motives which suggest that a fraud has been perpetrated, or that we already have a reasonable explanation for the event in question in terms of the laws of nature. "Ben David" was quick to note Bentham's hostility and the legal bent of his critique:

he displays the spirit, the artifices, and the hostility of an attorney-general; eager to criminate his victim, advancing positions without any regard to truth or consistence, without any knowledge of the circumstances of the accused, and without any attention to the laws of the human mind. The volume throughout is penned in the exact style of an indictment or some legal instrument, loaded with useless peculiarities, intersected by parentheses, rendered voluminous and circuitous by continued repetitions; ...<sup>125</sup>

The assessment can hardly be faulted. Bentham's analysis of Scripture is an inappropriate one, applying as it does the tactics of the courtroom to the mysteries of religion. Paley's position, it must be said, strikes us as the more reasonable of the two: if no single piece of evidence could be said to prove the foundations of the Christian religion, neither could individual data disprove it.<sup>126</sup> When Bentham enlisted the methodology of natural science in his cause, he left little room for

half measures. If the mysteries of religion cannot be established on empirical grounds then they cannot reasonably be believed; if they can be established on empirical grounds then they are natural phenomena and are to be explained according to the laws governing all natural phenomena. Of course the argument is a tautology, but Bentham was apparently very willing on occasion to sacrifice logic for polemic where the claims of religion were concerned.

### 3. Asceticism and Sexual Nonconformity

Bentham's animadversions on the subject of sexual nonconformity first saw the light of day in 1931. C.K. Ogden published selections from a collection of manuscripts dating from 1814 under the title 'Offences against Taste' as an appendix to his valedictory Jeremy Bentham 1832-2032, and manuscripts dating from 1816 with the slightly misleading title of 'Bentham on Sex' as an appendix to his edition of The Theory Of Legislation.<sup>127</sup> Nothing that Bentham ever wrote on the subject was published during his lifetime, yet it was a subject upon which he wrote as early as 1770's and which he returned to consider again in the final year of his life. In a fragment from 1831 under the heading 'J.B.'s Instruction for Living Happily or Not At All' he transcribed his last thoughts on suicide and sex, in the process combining two of his life-long concerns - the critique of the religious sanction and the fight for toleration of those acts not harmful to others:

To be happy or not to be happy at all: such is the option which Nature has given to every human being: ...

But to the taking the benefit of the option ... two conditions ... are necessary. 1. That ... he should be exempt from those horrors - from those pains of mind ... infused ... by the opium of the existence of man in a life to come. 2. That in regard to pleasures, he

should not ... be delivered from ... reaping ... any pleasure which he exercises without producing thereby pain to a preponderant amount ... either in his own person or the person of another ...

A notion still extensively prevalent ... in England is that by which man ... stands disbarred from reaping, otherwise than in a particular manner, the pleasure of the sexual appetite. 'Full of inconsistency is this notion. It begins with an all-comprehensive interdiction of pleasure from this source. But supposing that interdiction universally adhered to, there would be an end of the human race.<sup>128</sup>

That religion is the 'opium' of the people was, of course, a thought that occurred to another noted atheist later in the century, but Bentham's disgust has its source in the nature of his utilitarian system. He was a staunch opponent of all so-called 'worldly activity' that did not have for its object the greatest happiness, and he particularly reviled that asceticism which isolated man and motivated him to take his pleasure in a perverse manner - a happiness based on self-deprivation.

#### i) Christian Asceticism

Arguments against Christian asceticism were frequently voiced in enlightened French circles of the day,<sup>129</sup> but in England, where religion allied itself with utility, hardly an angry word was spoken. As we have seen, it was Bentham's argument in the Introduction that the religious person, almost inevitably if he is true to his faith, will forego certain pleasures which are harmless and thus effectively diminish the greatest happiness. But as early as c. 1774 he was complaining that the Church's attitude to divorce and to fornication is irrational. 'The popular notion among religionists', he writes, 'is that men ought to ... derive as little pleasure ... as from every source so in particular from this chief source of pleasure as may be'.<sup>130</sup>

Where the pleasures and pains of a future life are great those of the present life diminish in a proportionable ratio:

If the former exceed the latter to a certain degree, ... there can be no act of those that tends to accelerate the period at which the former will begin to be experienced but what it is a man's interest to do so soon as it is in his power, whatever may be the pains it may subject him to of the latter kind. Hence it is that a lively faith in the joys of a future life when anything near adequate to what is represented as the intensity of these ... joys ... is superior to all human and especially to all mortal punishment.<sup>131</sup>

The ascetic attitude has its source in the longing for uniformity, the desire to see one's own sentiments universally enforced, hence it is marked by intolerance and severity. Moreover, asceticism envisions the possibility of a radical break between the present and the future allowing men to risk and even to court death. To the fanatic, says Bentham, the present is 'but a point', and he looks to the future not for his own sake only or even for that of his family, friends and neighbours, but on behalf of the whole species.<sup>132</sup> The fanatic takes foresight to the extreme. This is unnatural and ultimately self-defeating, argues Bentham, because death marks the end of the life within which men desire. Religious fanaticism is ascetic because it tends to allow men to escape the usual relationship between effort and reward. The threat of divine punishment prevents religious ascetics from participating in the engagements that occupy other men. They view the prevailing relation between effort and reward as arbitrary and wholly unworthy and look only to the rewards of the afterlife, which is a reward entirely unlike any that men pursue in the present life. In theory, then, asceticism is not the adversary of utility, but in practice it is so, for to acquire its rewards we, at least to some degree, must free ourselves from the sort

of labour required by utility in this life. 'In this sense', says Nancy Rosenblum, 'the ascetic disposition constitutes a deliberate and emphatic flight from utility'.<sup>138</sup>

In the Analysis Bentham embarked on a detailed discussion of religious asceticism. Here the rule of God is shown to be highly detrimental to human happiness in this life. Men are duped by religionists into the belief that their suffering in this life is only a transient phase and that any expenditure of suffering will be proportionately rewarded in the next life.<sup>134</sup> The notion that we have a duty to God is a convenient means to the perpetration of this fraud. Left alone every man will naturally select that path which is most conducive to his temporal felicity, but thrust any other course upon him and a sacrifice of earthly happiness is the necessary consequence.<sup>135</sup> To convince men of your attachment to the Deity it seems that only pain will do. In the past tortures, such as flagellation and the wearing of sack-cloth and ashes, were expected, and today the Church still enforces 'useless acts of self-denial', such as fasting, celibacy, abstinence from personal and innocent comforts, the gratuitous surrender of property and labour, and the surrender of dignity and honours.<sup>136</sup> Added to this, innocuous pleasures proscribed by the dictates of religion are not fully enjoyed by men; doubts and opposing motives combine to temper their enjoyment, and afterwards shame and regret frequently follow. What pleasure is enjoyed is purchased by antecedent and consequent unhappiness.<sup>137</sup>

Those who do not believe in God are an obvious target for the antipathy of the religious fanatic. Where unbelievers exist the religionist's influence and credit with mankind are being questioned and undermined. Hence he persecutes the unbeliever, who in turn looks on

the believer with contempt, and the consequence is 'an immense exertion of the principle of antipathy'.<sup>138</sup> Even against those who are merely negligent in the observance of religious duties the religious fanatic is unremitting in his bitterness. He has a vested interest in the maintenance of religious practices:

Ascetics reposing their title to the esteem of mankind on a voluntary abnegation of particular enjoyments, naturally endeavour to fasten obloquy on all who indulge in them. Of course the ascetics hate him whom their interest leads them thus to injure.<sup>139</sup>

Worse still is the nagging suspicion that they may be wrong, says Bentham. But this secret apprehension only quickens their resolve to bring about an uniformity of opinion on the subject. Their doubts are 'evinced by their reluctance to allow to the sinner the unmolested profit or loss of his own temerity'. The compulsion to establish uniformity is at its most manifest when religious practices diverge. This leads to the 'dogmatical assumption' of the validity of one's own tenets and to 'the bitterest invective against all who question them'.<sup>140</sup> To attest to the rectitude of his own choice of Deity the religionist, wherever he is able, 'musters under the divine banners all the temporal force which he himself can command for the purpose of crushing the rival worshippers, and terminating the influence of the unseen Being on whom they rely'.<sup>141</sup>

Finally, the introduction of antipathies into the moral code by religion has aroused an 'aversion towards improvement' among the propagators of Christianity: 'fresh facts', it is claimed, disrupt 'the course of nature', supposed to be established by the Deity' and 'break in upon the laws of nature'. New knowledge is, therefore, seen as an obstacle to God's will, an attempt to alter the law of nature which God has designed for the

universe. In opposing the application of new discoveries, however, the religious fanatic opposes the augmentation of human comfort. It is true, Bentham concedes, that the diffusion of knowledge has weakened the prohibitive tendencies of religion, but the spirit which silenced the discoveries of Galileo lives on and is still a powerful source of human misery.<sup>142</sup> Religion, then, has been responsible for a great portion of the unhappiness in the world. Its propagators attach the hatred of mankind to actions not really injurious to them, and thus religion is seduced from its only legitimate function, that of deterring men from injurious conduct.<sup>143</sup>

## ii) Sexual Nonconformity in a Christian World

One of the chief pleasures of which religious asceticism is the implacable enemy, according to Bentham, is the pleasure of sexual intercourse. This matter was first taken up by him as part of his legal studies in the 1770's and given a special twist by focusing on the problems posed by homosexuality and 'paederasty'. In doing so Bentham was unique in an age which delighted in the eroticisms of Casanova. His defence of homosexuality was strikingly at odds with the degree of allowable promiscuity, and sensitive to this he quietly suppressed the material lest it jeopardise the success of his other work. That he originally intended to publish, however, there is no question. In an unpublished 'advertisement' for the essay he writes:

I have trembled at the thoughts of indignation that must be raised against the Apologist ... of the Crime that has been looked upon by many and those excellent men as one among the blackest under Heaven -- But the Dye is now cast, & having thus far pursued ... with ... undeviating fidelity the principles (of general utility) I at first adopted, I will not (I shall not be said) ... abandon

them from consideration of personal danger.<sup>144</sup>

The thrust of Bentham's remarks in these manuscripts is that the penalties of English law for homosexuality are unjustifiable and that they should be removed. But he was also concerned by the fickle attitude to the practice shown by men when forced to offer an opinion on the matter:

Another spectacle amusing enough is, to observe the distress men are under to keep the peace between two favourite prejudices that are apt cruelly to jar: they are in disfavour of this vice; the other in favour of antiquity, especially ancient Greece .... Sometimes they will dissemble and shut their eyes against the fact - sometimes they will attempt to question it.<sup>145</sup>

Later in life in a manuscript headed 'Sexual Eccentricities', Bentham was not so circumspect in his choice of words: the banning of sexual pleasure was nothing less than an act of tyranny.<sup>146</sup> At this early stage in his career, however, prudence easily carried the day and Bentham left the subject alone for another ten or so years, when he again briefly considered it, jotting down his thoughts this time in both French and English.<sup>147</sup>

It was in these manuscripts of the mid 1780's that Bentham set out his most detailed case for reforming those sections of the penal code dealing with homosexuality.<sup>148</sup> Here the plea for toleration of 'unnatural' acts is presented both from a legal perspective and as an argument against the rigid moral code of Christianity. Christianity, it seems, provides the chief support for the policy of outlawing homosexuality. Religious asceticism is clearly the enemy Bentham has in view:

This act is one among others which some men and luckily not we ourselves have a strong propensity to commit. In some persons it produces it seems, for there is no disputing



it, a pleasure: there needs no more to prove that it is God's pleasure they should abstain from it. For it is God's pleasure that in the present life we should give up all manner of pleasure, whether it stands in the way of another's happiness or not ...<sup>149</sup>

Pleasure, Bentham goes on to argue, is never allowed by the religionist for its own sake but only for the sake of something else, which he calls an advantage or a good but which does not present any idea of pleasure. Even the heterosexual appetite, necessary to the end of the preservation of the species, is only tolerated in so far as it serves this end.

Otherwise it is not encouraged and is often discouraged by offering great rewards for celibacy.<sup>150</sup>

The attitude of religionists to the sexual appetite has an influential bearing on the state of popular opinion on the subject, but the antipathy is 'grounded only in prejudice' and this raises a profound problem for the legislator who is expected to fall in with this prejudice and dissuade persons so inclined from indulging in the practice.<sup>151</sup> The danger Bentham perceives is that where the place of utility, the only sufficient reason for punishment, is usurped by prejudice, interminable punishment is licensed and 'one should never know where to stop'. Yet the moral disapproval produced by the general antipathy to the practice is already a greater punishment than can be justified.<sup>152</sup>

Nor does the idea that God punished homosexuals by putting Sodom and Gomorrah to fire serve as an example to be copied by men, as Blackstone had argued.<sup>153</sup> Leaving aside the fact that it is an assumption that the people of Sodom and Gomorrah were punished for permitting the practice of homosexuality, the only legitimate ground for God's punishment is that the practice was prejudicial to the welfare of society. If the practice is not detrimental to the well-being of the community then,

says Bentham, 'there can be no other reason for society to meddle with it'.<sup>154</sup> If, on the other hand, God punished the act in question on grounds other than the fact that it proved to be prejudicial to public interest, then there exists no reason for men to emulate him. Man's reason for punishing anything can only be the utilitarian one that it causes unhappiness; God's reason for punishing someone, if it is not this, cannot be known by man. Hence it is not a sufficient justification that because God punished such and such a practice it is also man's duty to punish it. Bentham's logic is inescapable:

when we can find no other reason, if, in any other individual instance of the same sort of act, God does not punish it, there is no reason at all for punishing it. The circumstances of his not punishing it in the latter instance proves as much that it ought not to be punished in that case as in the circumstance of his having punished it in that former case.<sup>155</sup>

Bentham continues in this vein ridiculing the notion that God's example is sufficient justification for the legislator to punish in similar manner:

If any man, under the notion of its being agreeable to God, would do any act that is prejudicial to society, he should produce a particular commission from God given him in that individual instance. If a man without a special commission from God is to be justified in doing any violent act that has ever been done by a special commission from God, a man might as well kill his son because God commissioned Abraham to kill Isaac.<sup>156</sup>

Homosexuality, then, is merely outlawed because of a conventional prejudice. In a sardonic passage Bentham ponders what might be the consequence if it were thought sinful to scratch an itch: 'It is wonderful that nobody has ever yet fancied it to be sinful to scratch where it itches, and that it has never been determined that the only natural way of scratching is with such and such a finger and that it is unnatural to scratch with any other'.<sup>157</sup>

Having set down these thoughts on homosexuality Bentham again put the subject aside, only to return to it in the years 1814-16 when it took on a new significance in conjunction with his writings on religious matters.<sup>158</sup> The manuscript pages dated 1814 are headed 'Penal Code' and those dated 1816 are headed 'Sex' (i.e., Sextus) or 'Not Paul'. This second group of manuscripts establishes the connection between Bentham's discussion of sexual nonconformity and his strictures against asceticism which he intended to publish as a second part to Not Paul, But Jesus. He prefaced his remarks in these manuscripts with an acknowledgement of the risks he would be taking when they saw the light of day:

In the present has been found one of those unhappy occasions on which, in his endeavours to render service to his fellow-creatures, a man must expose himself to their reproach.... Never did work appear from which in the way of personal advantage and disadvantage, never one from which in the way of reputation, never one from which at the hands of public opinion a man had so much to fear, so little to hope.<sup>159</sup>

Once again Bentham decided not to go ahead with his plan to publish these manuscripts as an independent treatise, preferring to use them as part of the sequel to Not Paul, But Jesus. Their connection with the earlier unpublished manuscripts on the same theme, however, is readily apparent.

Bentham follows H  lv  tius, among others, in claiming that Christians had made the mistake of following the teachings of St. Paul and had wrapped up sexual matters in a whole series of disapproving tenets which detracted from the general happiness of the community.<sup>160</sup> Asceticism, Bentham never tired of saying, is not Christianity but Paulism. The distinction between the teachings of Christ and those of Paul he rehearsed once again in the later manuscripts on sexual nonconformity and asceticism:

On the whole field in which Moses legislates with such peremptory asperity, Jesus is altogether silent. Jesus, from whose lips not a syllable favourable to ascetic self-

denial is by any one of his biographers represented as ever having issued - Jesus, who, among his disciples, had one to whom he gave his confidence, and another in whose breast his head reclined and for whom he manifested his love - Jesus, who in the stripling clad in loose attire found a still faithful adherent after the rest of them had fled - Jesus, in whom the woman taken in adultery found a successful advocate: Jesus has in the field of sexual irregularity preserved an uninterrupted silence. Jesus was one person, Paul was another. The religion of Jesus was one thing, the religion of Paul another; where Jesus had been silent, Paul was vehement.<sup>161</sup>

Jesus, Bentham claims, saw no harm in anything that gave pleasure. He knew that happiness is composed of pleasures or it is empty, and that each of us is the judge of what gives us pleasure in our own case.<sup>162</sup>

What Paul and present day religious ascetics who adhere to his teaching find pleasure in is their own affair, but they should not be allowed to impose their prejudices on others.

Bentham's case against the imposition of legal penalties for 'sexual irregularities' is not, however, simply reducible to his antagonism toward religious asceticism. He argued that homosexuality was 'not an 'unnatural' act and that popular disgust at the practice provided no legitimate grounds for the legislator to interfere with it.<sup>163</sup> There was no more reason for punishing heresy in taste than heresy in religion; the one like the other must be decided on the grounds of general utility, and only in so far as is conducive to that object on the ground of truth.<sup>164</sup> Utility is the test of whether the legislator should interfere in social affairs, hence it must be decided whether the practice of homosexuality is 'preponderably noxious' to the general happiness or not. Bentham's conclusion quickly follows: it is entirely the affair of the individual if he thinks it worth risking his reputation for the gratification of this pleasure; the legislator has no business in the matter.<sup>165</sup> Indeed, he

holds the language of the penal code in part responsible for the arousal of public disapproval of the practice. Imagination and not reason, Bentham claims, has been responsible for assigning the terms 'purity' and 'impurity' when referring to sexual matters, and it is by the power of these 'signs' that imagination has been guided. But these terms are fictions, 'psychological ideas' productive of confusion. The notion of an impure or filthy body is clear if what is meant is that it has dirt attached to the surface, but the idea of an impure mind is altogether a different proposition which cannot be reduced to a real entity. Moreover, there is no necessary connection between the idea of an impure body and the idea of an impure mind, but this is precisely what is suggested by the legislation: 'when from impurity in the body the mind is deemed' impure, and upon the fundamental error correspondent practical errors are deduced, then comes the practical error and the practical misery its results'.<sup>166</sup> This is 'false logic', the result of 'the wandering of the imagination', which is only compounded by the belief that the mind can be rendered pure again by persecution:

In so far as the body is covered with filth, the soul ... is rendered impure; by being exposed to the fire some bodies that had been covered with filth are purified; ... in so far as the soul is defiled, it is desirable that it be purified; by being exposed to the fire some bodies that have been defiled are purified; therefore from the impurity in question by the exposure of the whole body in question to the fire, the soul that belongs to it will be purified.

Upon the strength of this logic, undefinable is the multitude of innoxious individuals, whose bodies have been consigned to the excruciating and devouring flame.<sup>167</sup>

This 'false logic' Bentham believes can be traced to the language used by the legislator: it creates a confusion which readily facilitates the antipathetic in their persecution of those who indulge their sexual

appetite and this is productive of unnecessary amounts of human misery.

In the law of Moses religion for the first time committed itself to antipathy to homosexuality. 'Under Moses, as under Bramah', writes Bentham, 'the list of impurities ... created out of physical impurities or out of nothing was a labyrinth without an end'.<sup>168</sup> The principal cause of proscription ever since has been religious asceticism, particularly as it comes down to us from the teachings of Paul. The religious ascetic tolerated heterosexuality because the life of the species depends upon it, but homosexuality, lacking consequence to justify it, is pure pleasure and is therefore condemned:

Notwithstanding the sort of discountenance thrown by St. Paul on the most completely regular mode of gratifying the appetite - a sort of oversight in which the monastic orders had their rise - it seems, according to the reasoning of the religionists, not unreasonable to conclude that the gratification of the appetite in the productive mode, may, notwithstanding any pleasure with which it may happen to be unavoidably attended, be tolerated, but in the case of those modes of gratification of which a contribution cannot be the accompaniment, then the cause of tolerance has no place.<sup>169</sup>

Intolerance arises when the religious ascetic, whose overriding aim is to recommend himself to God, treats his own enemies as if they were God's.

The human suffering caused by persecution must be measured against the consideration that homosexuality is a source of pleasure to men and of this enjoyment each man is his own judge. Bentham, however, distorts the issue by making it a choice between religion and sexual freedom. In part this is because he believed that the religious ascetic would inevitably attempt to impose his beliefs on others thereby causing great human suffering. The assumption involved is that the religious ascetic will always be a fanatic concerned to impress his beliefs on others. However, there is no necessary connection between religious beliefs and fanaticism, and it is not impossible to conceive of large numbers of Christians who might keep their beliefs private and respect the rights of others to do so.

Bentham offered a stronger line of argument in the unpublished manuscripts for Not Paul, But Jesus in which he came very close to arguing that the pleasures of sex ought to be preferred to the pleasures of religion, not only because they are less harmful, but because they are greater in intensity and add a greater quantity of pleasure to the general stock of happiness than it is possible for religious pleasures to add.<sup>170</sup> However, by arguing in this manner, as Professor Steintrager has said, Bentham seems to have abandoned the axiom that each man is the best judge of his own interest. If this be so, it is certainly ironic, since Bentham's purpose in criticising religion was to contribute to the emancipation of the minds of men from dependence on religion. However, he clearly did not think that he had abandoned the axiom; the individual might be a better judge but he must not be taken to be the only judge.<sup>171</sup> Bentham points out that the individual may judge incorrectly,<sup>172</sup> and this leaves room for that form of influence which he thought useful and efficacious - the influence of the understanding on the understanding. 'In criticising Christianity', Professor Steintrager notes, 'Bentham believed that he was exercising that form of influence.'<sup>173</sup>

### Conclusion

That Bentham was not prepared to rely solely on trying to influence men through appeals to their understanding is evident throughout the religious works. He showed a complete disregard for the status of religious beliefs, deliberately employed a narrow conception of religion guaranteed to fall foul of the principles of his scientific methodology, contrasted the world of experience with the world of the imagination peopled by 'insane' believers in the incredible, and approached the

Scriptures more like a prosecutor determined to establish guilt than a philosopher intent on fathoming the nature of his subject.

Ridicule, denunciations of motives, and passages of scurrilous irony are all introduced to bolster the indictment of religion. In portraying Christ as a revolutionary bent on overthrowing the authority of Rome in Israel and in exposing the contradictions of his self-seeking ascetic apostle Paul, it little mattered to Bentham whether history was on his side or not. The traditions of Christianity are a fraud perpetuated by an unscrupulous clerical order, and the social consequences of religion are manifestly pernicious; the institutions and doctrines of religion must be assailed by whatever tools are to hand. Bentham was fully prepared to mount such an attack in order to impress upon his readers that religion is harmful to mankind and should be eliminated from the minds of men. Even though he explicitly rejected the notion that exaggeration is useful in attempting to persuade individuals to embrace the utilitarian doctrine, to accept utilitarian legislation, and to influence them to perform socially desirable actions, if vitriolic language was called for in order to move the reader to an emotional response regarding the claims of religion Bentham had no qualms about employing it. For all his vaunted reverence for precision in language and for all his warnings about the dangers implicit in the very nature of language, his critique of religion in the Analysis and Not Paul, But Jesus was frequently carried on in language reminiscent of the rapid anticlerical literature one usually associates with the French philosophes.



Having said this it is especially noteworthy, therefore, that it is Bentham's theory of language that is in part responsible for his failure to come to terms with the more sublime and subtle aspects of religion. He expected linguistic clarification in religion to accomplish more than it really could. The committed Christian, irrational as it may seem to Bentham, is not likely to be moved to disbelief because the ideas of the soul, spirit, or grace, and their like, are exposed as 'fictions' irreducible to any physical properties or real entities. Indeed, it is just as likely that such an analysis will serve to confirm the believer in his faith by reinforcing the notion that such conceptions must have their source in something that cannot be fully comprehended by mere mortals. This seems to have been very much the argument of Bentham's friend William Wilberforce in his defence of 'real' Christianity in A Practical View Of The Prevailing System Of Professed Christians (1811). Christianity, he argued, cannot be reduced to 'a mere system of ethics', for 'this is to separate the practical precepts from the peculiar doctrines it enjoins'.<sup>174</sup> Men must not 'confound the Gospel of Christ with the systems of philosophers', but be 'impressed with the weighty truth, so much forgotten in the present day, that Christianity calls on us, as we value our immortal souls, not merely in general, to be religious and moral, but specially to believe the doctrines, imbibe the principles, and practise the precepts of Christ'.<sup>175</sup> To Bentham, of course, this is an irrational response, but in so far as he relied on plain descriptive language to overcome it he surely underestimated the conviction with which believers hold to their faith, and over-estimated the power of his theory of language to have an impact upon it.

## Chapter VIII: Footnotes

<sup>1</sup>Analysis, p.1.

<sup>2</sup>ibid., 'Preface', pp.iv, v, and 87.

<sup>3</sup>JB to George Grote (9 Dec. 1821), BL Add. Mss. 29,806/1, from a transcription at the Bentham Project.

<sup>4</sup>Bentham's 'Plan of the Work' is contained in BL Add. Mss. 29,807/157-62. I reproduce Professor Steintrager's outline of this in Appendix B to this thesis.

<sup>5</sup>It is interesting to note that in the outline for the work 'Church' abandoned in 1813, Bentham stated that he was not concerned with the truth of religious beliefs: 'Utility as to affairs of this life being the sole object ... any argument founded on the will of the founder of religion, or on any part of Scripture, cannot be in place here'. U.C. Box 6/33. For the most part, however, Bentham identifies truth with utility.

<sup>6</sup>Analysis, 'Preface', p.iv.

<sup>7</sup>Bentham would have been well pleased that from a reading of the Analysis Sir Leslie Stephen concluded that Utilitarianism 'logically implied the rejection of all theology'. The English Utilitarians, vol. II, p.40.

<sup>8</sup>Steintrager, 'Report On The Problems Of Editing Bentham's Writings On Religion', p.9.

<sup>9</sup>Analysis, 'Preface', p.vi.

<sup>10</sup>ibid., p.3.

<sup>11</sup>Mill refers to the 'searching character' of the Analysis, which he says 'produced the greatest effect upon me' and 'contributed materially to my development'. Autobiography, ed. Jack Stillinger (Boston 1969), pp.44-5. In the Commonplace Books of James Mill there are a series of notes on the Analysis. These are to be found in the second of five volumes preserved in the London Library, pp.77v-78r, 74v-75r, and 73v (in that order). It has been suggested by Professor Robert Fenn of the University of Toronto, who has transcribed the text of these volumes, and to whom I am indebted for bringing these comments to my attention, that Mill's notes may have been copied from his son's summary of the Analysis. In an earlier draft of the Autobiography the younger Mill mentions that 'the volume bearing the name Philip Beauchamp, which was shewn to my father in manuscript & by him given to me to read and make a marginal analysis of, as I had done of the Elements of Political Economy, made a great impression on me'. The

Early Draft Of J.S. Mill's Autobiography, ed. J. Stillinger (Urbana 1961), p.78.

<sup>12</sup>Analysis, p.2.

<sup>13</sup>U.C. Box 69/20.

<sup>14</sup>Analysis, p.2.

<sup>15</sup>Paley, Natural Theology, Ch. XXIII, Complete Works, vol. III, pp.243-5.

<sup>16</sup>Analysis, pp.97, 98. For the following see the chapter on Bentham in Benn, The History Of English Rationalism.

<sup>17</sup>For the following discussion I am indebted to Gaskin, Hume's Philosophy Of Religion, pp.130-9.

<sup>18</sup>David Hume, Dialogues Concerning Natural Religion, ed. N. Kemp Smith (Edinburgh 1947), p.88, cited by Gaskin, Hume's Philosophy Of Religion, p.139.

<sup>19</sup>Hume, Dialogues, XII, p.98, quoted by Gaskin, *ibid.* Gaskin points out that the belief in design, even in this limited and insignificant sense (at least in terms of religion), is unlike the belief in causation since it is neither universal nor does it necessarily influence our actions in any particular way. Even so Hume's argument that there exists no evidence to make it more reasonable that men not believe that the world is the product of design remains valid.

<sup>20</sup>Analysis, pp.19-20.

<sup>21</sup>*ibid.*, p.5.

<sup>22</sup>*ibid.*, p.6.

<sup>23</sup>*ibid.*, p.7.

<sup>24</sup>*ibid.*, p.47.

<sup>25</sup>*ibid.*, p.49.

<sup>26</sup>*ibid.*, p.16.

<sup>27</sup>*ibid.*, p.17.

<sup>28</sup>*ibid.*, p.20.

<sup>29</sup>*ibid.*, p.25.

<sup>30</sup>*ibid.*, p.27.

<sup>31</sup>For a discussion of the points of correspondence between the Analysis and Browning's Caliban see Wendell V. Harris, 'Browning's Caliban, Plato's Cosmogony, and Bentham on Natural Religion', in Studies In Browning And His Circle, vol. 3, No.2, Fall 1975.

<sup>32</sup>Analysis, p.29.

<sup>33</sup>*ibid.*, p.28.

<sup>34</sup> *ibid.*, pp.93-4.

<sup>35</sup> *ibid.*, pp.94-6.

<sup>36</sup> *ibid.*, p.96.

<sup>37</sup> *ibid.*, p.99.

<sup>38</sup> *ibid.*, p.101.

<sup>39</sup> *ibid.*

<sup>40</sup> *ibid.*, p.110.

<sup>41</sup> *ibid.*, p.111.

<sup>42</sup> *ibid.*, p.112.

<sup>43</sup> *ibid.*

<sup>44</sup> *ibid.*, p.113.

<sup>45</sup> *ibid.*, pp.44, 45.

<sup>46</sup> *ibid.*, p.50.

<sup>47</sup> *ibid.*, p.52.

<sup>48</sup> *ibid.*

<sup>49</sup> *ibid.*, p.53.

<sup>50</sup> *ibid.*, p.56.

<sup>51</sup> *ibid.*, p.57.

<sup>52</sup> *ibid.*, p.58.

<sup>53</sup> *ibid.*, pp. 60-1.

<sup>54</sup> *ibid.*, pp.86, 86

<sup>55</sup> See Introduction, Ch. II, Of Principles Adverse To That Of Utility, esp. pp.21-9.

<sup>56</sup> Analysis, p.88.

<sup>57</sup> *ibid.*, p.89.

<sup>58</sup> *ibid.*, p.136.

<sup>59</sup> *ibid.*

<sup>60</sup> *ibid.*, pp.129, 121, 137-40.

<sup>61</sup> Religion, claims Bentham, has 'a deadly interest against the advance of knowledge ...' *ibid.*, p.124. In the outline of the abandoned work on the 'Church' he writes that religion has distinguished itself in history by opposing the emergence of truth, and offers three examples of this: i) 'Astronomy: punishment of Gassendi for maintaining the true system'; ii) 'Opposition to Aristotle's philosophy forbidden by parliament of Paris on pain of death'; and iii) 'Locke expelled from Oxford, and his philosophy always discountenanced'. U.C. Box 6/35.

<sup>62</sup> Analysis, pp.37, 38.

<sup>63</sup> *ibid.*, pp.39, 40. Bentham here writes of laws founded on utility, but confuses what ought to be with what is.

<sup>64</sup>U.C. Box 6/63.

<sup>65</sup>That Bentham read Paley's Horae Paulinae in preparation for the writing of Not Paul is clear from two letters he wrote to John Koe (10 and 29 Oct. 1817), Koe Mss., transcriptions at the Bentham Project. He also read a number of other works including Dr. Lardner's Canon Of The New Testament, Pere Simon's History Of The New Testament, Brandt's History Of The Reformation, Mosheim's Ecclesiastical History, Conyers Middleton's A Free Enquiry Into The Miraculous Ages, the King James version of the Bible, and works by Beausabre, L'Enfant, Michaelis, and Bishop March.

<sup>66</sup>Paley, Horae Paulinae: Or, The Truth Of The Scripture History Of St. Paul Evinc'd (1790), Complete Works, vol. III, pp.533-4.

<sup>67</sup>Not Paul, p.373.

<sup>68</sup>ibid., p.vi. That the character of Christianity can be traced to the doctrines of St. Paul Bentham believed to be amply supported by Bishop Gastrell's The Christian Institutes (14th edn. 1808), a work almost entirely based on the maxims of faith and morality found in the Epistles of St. Paul. ibid., p.xivn.

<sup>69</sup>ibid., p.xii.

<sup>70</sup>ibid., pp.295n, 277.

<sup>71</sup>ibid., p.372.

<sup>72</sup>Rev. T.S. Hughes, A Defence Of The Apostle St. Paul Against The Accusations Of Gamaliel Smith, two parts (Cambridge 1823, 24); D.B. Wells, St. Paul Vindicated ... A Reply To A Late Publication Of Gamaliel Smith (Cambridge 1824); and "Ben David", A Reply To Two Deistical Works (London 1824).

<sup>73</sup>Hughes, A Defence Of The Apostle St. Paul, part two, pp.iii-iv, cited by Steintrager, 'Report On The Problems Of Editing Bentham's Writings On Religion', p.6. Annet's book, coincidentally, was translated into French by Boulanger (or more likely Holbach using the deceased Boulanger's name as a disguise), and was retranslated into English and published by Richard Carlile in 1823, the same year that Not Paul appeared.

<sup>74</sup>Steintrager, 'Report On The Problems Of Editing Bentham's Writings On Religion', p.6.

<sup>75</sup>"Ben David", A Reply To Two Deistical Works, pp.172, 191. That Not Paul was considered humorous by the Bentham circle is testified by the letters of Thomas Hill Wright and the mysterious "Martha Colls",

the latter writing to Dumont. U.C. Box 10/146, 132-5, transcriptions at the Bentham Project.

<sup>76</sup>JB to John Koe (29 Oct. 1817), Koe Mss., from a transcription at the Bentham Project.

<sup>77</sup>ibid.

<sup>78</sup>This proposal is in U.C. Box 161a/14-19.

<sup>79</sup>Summary View Of A Work, Intitled Not Paul, But Jesus: As Exhibited In Introduction, Plan Of Work, And Titles Of Chapters And Sections (London 31 June 1821); Not Paul, 'Plan of the Work', pp.xiv-xv. Professor Steintrager planned to restore the Church History and the discarded appendix in his edition of Not Paul for the Collected Works. 'Report On The Problems Of Editing Bentham's Writings On Religion', p.7.

<sup>80</sup>The material for this book is contained in U.C. Box 74a/35-222 and Ogden published some of it as an appendix to The Theory Of Legislation. The pages dated 1814 are headed 'Penal Code' and those dated 1816 are headed 'Sex' (i.e., 'Sextus') or occasionally 'Not Paul'. A divider at 74a/160, dated April 1814 has a note added, dated April 1816, indicating that the material was to be used in a second part of Not Paul. Steintrager, 'Report On The Problems Of Editing Bentham's Writings On Religion', pp.6-7.

<sup>81</sup>The material for this third part is in U.C. Box 161b and is dated from Dec. 1817 through to early 1818. Steintrager, 'Report On The Problems Of Editing Bentham's Writings On Religion', p.7.

<sup>82</sup>Professor Steintrager has spent considerable time reviewing this material and it is his account I follow here. See 'Language and Politics: Bentham on Religion'.

<sup>83</sup>BL Add Mss. 29,806/332, cited Steintrager, 'Language and Politics', pp.4-5.

<sup>84</sup>ibid., pp.5-6.

<sup>85</sup>BL Add. Mss. 29,807/44-54, 97, and 29,806/207-8, cited by Steintrager, ibid., p.7.

<sup>86</sup>BL Add. Mss. 29,807/97, quoted by Steintrager, ibid.

<sup>87</sup>BL Add. Mss. 29,806/471, quoted by Steintrager, ibid.

<sup>88</sup>BL Add. Mss. 29,808/79, quoted by Steintrager, *ibid.* Other Mss. on the same theme: 29,806/492, 29,807/225, and 29,808/62-4, 66-8, 70-4, 76-86.

<sup>89</sup>Not Paul, p.xiv.

<sup>90</sup>Bentham considers the three accounts of the conversion contained in Acts ix, 1-9 (the 'historical account'), Acts xxii, 3-11 (Paul's 'First or Unstudied Account'), and Acts xxvi, 9-20 (Paul's 'Oratorical or Studied Account'). The discrepancies among these accounts amount to five omissions and five direct contradictions. See Not Paul, pp.11-20 and the "Conversion Table" at the front of the book.

<sup>91</sup>*ibid.*, p.70.

<sup>92</sup>*ibid.*, p.73.

<sup>93</sup>*ibid.*, pp.73, 124, 369.

<sup>94</sup>*ibid.*, p.156.

<sup>95</sup>Benn, The History Of English Radicalism, p.302.

<sup>96</sup>Baumgardt, Bentham And The Ethics Of Today, p.488.

<sup>97</sup>See the "Conversion Table".

<sup>98</sup>Not Paul, p.367.

<sup>99</sup>*ibid.*, Appendix, pp.391, 392. That Bentham was thinking along similar lines when planning the work 'Church' in 1812-13 is evident from U.C. Box 6/31-5, 44-5.

<sup>100</sup>U.C. Box 69/19 (c. 1774). 'Bentham's attitude again fits well into Duncan Howlett's characterization of the critical mind: 'To put your faith in God because of the Scriptural record of his character and activities, you have first to believe in the validity of the human experiences of the divine which the Scriptures report. You have then to believe in the veracity of those who claimed to have had such experiences. Following that, you must go on to believe in the trustworthiness of the Scribe who wrote the story down, whether at first or second hand. And beyond that, you have to believe that the transcript that has come down to our time is a full and accurate copy of the ancient original'. The Critical Way In Religion, p.190.

<sup>101</sup>Analysis, p.103.

<sup>102</sup>Not Paul, p.66.

<sup>103</sup>*ibid.*, p.68.

<sup>104</sup>*ibid.*, p.230.

<sup>105</sup>These 'miracles' are discussed at length in *ibid.*, Ch. XIII, secs. 2-13.

<sup>106</sup>David Hume, An Inquiry Concerning Human Understanding (1748: Indianapolis and New York 1955), pp.120, 118.

<sup>107</sup>*ibid.*, pp.122, 123.

<sup>108</sup>*ibid.*, pp.126, 129-30.

<sup>109</sup>For a discussion of the background to the eighteenth century controversy over miracles and Hume's role in it see Gaskin, Hume's Philosophy Of Religion, Ch. 7.

<sup>110</sup>For a comparison see the chapters on Hume and Bentham in Benn, The History Of English Rationalism.

<sup>111</sup>Not Paul, p.303. In a ms. of c. 1780 Bentham explained 'the dirth of miracles' in the Holy Land at the time of the Crusades in terms of the unlikely violations of the laws of Nature. U.C. Box 169/78, 'Miscellanea'.

<sup>112</sup>Works vol. X, p.146.

<sup>113</sup>Not Paul, p.329.

<sup>114</sup>*ibid.*, p.303.

<sup>115</sup>*ibid.*, p.308.

<sup>116</sup>In a courtroom, Bentham writes, 'no ... circumstantial evidence should possess any such legitimately probative force as to warrant its addition, much less its substitution in place of that sort of information which belongs to direct evidence ...' Handbook Of Political Fallacies, p.27.

<sup>117</sup>Not Paul, p.50.

<sup>118</sup>*ibid.*, pp.79, 89.

<sup>119</sup>*ibid.*, p.339.

<sup>120</sup>Quoted by Barker, 'Paley's Political Philosophy', p.199.

<sup>121</sup>Not Paul, p.339.

<sup>122</sup>*ibid.*, p.255. It is true that Bentham goes on to claim that the evidence of the Epistles is of a 'direct' kind, but for over two hundred pages of text he has been building a case against Paul almost entirely on the evidence he finds in the Acts of the Apostles. His arguments against Paul's miracles are entirely founded upon his reading of the Acts with no reference to any other part of the Scriptures.



<sup>123</sup>ibid., p.211.

<sup>124</sup>ibid., p.89.

<sup>125</sup>"Ben David", A Reply To Two Deistical Works, p.2.

<sup>126</sup>LeMahieu, The Mind Of William Paley, p.93.

<sup>127</sup>The manuscripts are in U.C. Boxes 74a/1-26 (c. 1774) and 73/90-100 (c. 1774).

<sup>128</sup>BL Add. Mss. 33,551/327-8, quoted by Mack, Jeremy Bentham, An Odyssey Of Ideas, p.213.

<sup>129</sup>See Gay, The Enlightenment, vol. II, pp.194-5.

<sup>130</sup>U.C. Box 69/26 (c. 1774).

<sup>131</sup>U.C. Box 140/2 (1775).

<sup>132</sup>Principles Of The Civil Code, Works, vol. I, p.360. For a discussion of Bentham's critique of asceticism see Rosenblum, Bentham's Theory Of The Modern State, pp.60f.

<sup>133</sup>ibid., p.61.

<sup>134</sup>Analysis, p.33.

<sup>135</sup>ibid., p.41.

<sup>136</sup>ibid., pp.68-70.

<sup>137</sup>ibid., p.75.

<sup>138</sup>ibid., p.76.

<sup>139</sup>ibid., p.79.

<sup>140</sup>ibid., p.80.

<sup>141</sup>ibid., p.82.

<sup>142</sup>ibid., pp.90-2.

<sup>143</sup>ibid., p.85.

<sup>144</sup>U.C. Box 74a (c. 1774).

<sup>145</sup>U.C. Box 73/94, quoted Bahmueller, The National Charity Company, p.97.

<sup>146</sup>U.C. Box 68/12 (1824-5), cited Bahmueller, ibid., p.98.

<sup>147</sup>U.C. Box 72/187-205 (c. 1785); 74a/26-34 (in French c. 1785).

<sup>148</sup>These have recently been published as 'Jeremy Bentham's Essay on "paederasty"', ed. Louis Compton, Part I, with an introduction by Compton, Journal Of Homosexuality, vol. 3(4), and Part II, vol. 4(1).

1978. The manuscripts upon which this essay is based are those in U.C. Box 72/187-205.

149 *ibid.*, Part II, p.96.

150 *ibid.*

151 *ibid.*, p.97.

152 *ibid.*, p.98.

153 Blackstone had argued in the Commentaries On The Laws Of England that the death penalty for 'buggery' was divinely sanctioned by the Biblical story of Sodom and Gomorrah. See Compton's introduction, *ibid.*, Part I, p.384.

154 *ibid.*, Part II, p.104.

155 *ibid.*

156 *ibid.*, p.105.

157 *ibid.*, p.107. Curiously enough Bowring records that Bentham 'suffered much from a cutaneous complaint, the itching of which caused a perpetual irritation'. On one occasion while suffering from this complaint Bentham informed his literary executor that he often dreamed 'of a city, the whole of whose inhabitants have no other enjoyments than seeking to free themselves from the suffering which itching occasions'. Works, vol. X, p.566.

158 These manuscripts are in U.C. Box 74a/35-222 (1814, 1816).

159 Ogden, The Theory Of Legislation, Appendix, 'Bentham on Sex', p.474.

160 See Smith, Helvetius, A Study In Persecution, p.135. Though Paul attacked asceticism in Collossians ii, 20-3, he was widely read as an ascetic. For relevant passages see John Passmore, The Perfectibility Of Man (London 1972), p.85n.

161 Ogden, The Theory Of Legislation, Appendix, p.497.

162 Not Paul, p.394.

163 Ogden, The Theory Of Legislation, Appendix, pp.479-80.

164 *ibid.*, pp.492, 474.

165 *ibid.*, pp.477, 478.

166 *ibid.*, pp.482-3.

167 *ibid.*, p.483.

168 *ibid.*, p.497.

169 *ibid.*, p.481

<sup>170</sup>BL Add. Mss. 29,809/483-91, cited by Steintrager, 'Language and Politics', p.11.

<sup>171</sup>ibid.

<sup>172</sup>Ogden, The Theory Of Legislation, Appendix, p.493.

<sup>173</sup>Steintrager, 'Language and Politics', p.11.

<sup>174</sup>William Wilberforce, A Practical View Of The Prevailing Religious System Of Professed Christians, In The Higher And Middle Classes In This Country, Contrasted With Real Christianity (London 1811), pp.319, 322.

<sup>175</sup>ibid., p.13.

## CHAPTER IX

### ATHEISM AND THE SECULAR STATE

Bentham's unspirituality, if we can be allowed the term, manifested itself in his complete inability to understand the spiritual content of religion and its meaning for the pious believer. Baumgardt, therefore, is surely correct to complain that Bentham's understanding of religion was 'appallingly limited' and 'his very approach to it awkward'.<sup>1</sup> The religious writings provide only a superficial treatment of the subject of religion. Bentham was in no sense a theologian. How then are we to understand his critique of religion? The answer is that it only makes sense when seen against the larger canvas of his political views and aims, and specifically his aspiration to make his secular social science serve the needs of the Utilitarian future. In a manuscript from the early 1770's Bentham had written that as far as religious matters were concerned he considered them 'solely in the character of the politician: not at all in that of the divine'. The 'sole object' is 'to state in as clear terms as I am master of what I apprehend to be for the temporal benefit of ... my fellow-men ...'.<sup>2</sup> Looking back over his long career he would no doubt have been satisfied that he had consistently adhered to this objective. Bentham's battle with religion began in modest fashion but in its subsequent development traversed a whole range of issues. Some of them were of pressing political concern, others were only of incidental interest in the ordinary way of the world, but always the aim in view was to test the institutions, doctrines, rituals, and beliefs of religion against the standard of utility.

The consequences of this test were invariably negative and stand as a compelling testimony to his unmitigated atheism.

Bentham, of course, was not born an unbeliever, but gradually became conscious of the state of his mind vis-à-vis religion after various experiences of a personal nature began to raise doubts and questions. Doubts about the ecclesiastical mode of administering religion and about its worth as an agency of moral regulation soon begot doubts about the truth of fundamental Christian doctrines and ultimately about the existence of God. One of the crucial factors in this developing atheism was Bentham's exposure to the techniques of natural science. His boyhood preoccupation with ghosts, devils, and the terrors of hell, his problems with the Catechism, subscription, and the expulsion of the Methodists from Oxford, were all important ingredients in this emerging unbelief, but it was only with his study of Hume, Helvétius and Beccaria, and later D'Alembert, that these early qualms and disappointments were superseded by a systematic secularism, and his social science, with its legislative version of the utilitarian doctrine, took on its mature form.

The critique of organised religion was always the strong point of Bentham's offensive against religion. The attack on the redundancies of subscription and oaths, of penal laws against Dissenters and the Common Law crime of blasphemy, and his defence of the Lancasterian schools, were all undertaken against a Church determined to stem progress toward a more tolerant (and, admittedly, a more secularised) society. Even his discussion of the political motives of the Bishops in opposing seemingly rational reforms was not entirely

misconceived. Had not the lack of public spirit on the part of the ecclesiastical establishment served to quash any hopes for Panopticon? Was it not the Bishops who watered down the Unitarian Toleration Bill, who helped to delay the repeal of the Test and Combination Acts, and who threw their weight behind the government whenever the tide of seditious, libellous, or blasphemous literature seemed to threaten the traditional order of society? But for all we can contrive to say on behalf of Bentham's radical campaign against the Anglican Establishment one is hard-pressed to remain at his side when he turns his attentions to religious beliefs per se. The discussions of futurity, the Scriptures, miracles, Christian asceticism, the nature of the soul and the existence of God, all leave us cold. There is no common ground for Bentham between the spiritual world of religion and the world of physical experience; they are mutually exclusive worlds. Indeed, in taking his stand on the apparently solid ground of the latter he confidently declared the nonexistence of the former. All his tools of analysis, his logic, the presuppositions of his nominalist metaphysics, and theory of language, served to convince him beyond any shadow of doubt that religion was an illusion. Unlike Hume, Bentham did not suspend judgement when measuring the claims of religion against the standards of empirical science. Rather, like his friend Place, he moved quickly and confidently to an outright denial of the truth of religion, of the existence of an immortal soul, of a future life, and of the existence of God.<sup>3</sup> He never in so many words publicly avowed his atheism; he was much too cautious to do this.<sup>4</sup> But that he was an atheist in substance there can be little

doubt. His destructive criticisms of religious doctrine left no residue that could be of any value. To John Colls Bentham was that 'hoary headed infidel' who made tasteless jokes at the expense of Abraham, and who viewed death merely in terms of the 'altering the modification of matter' (which Colls thought an appropriate notion for an atheist),<sup>5</sup> Adams, too, had no doubts about Bentham's unbelief:

The general tenor of his observations ... was to discredit all religion, and he intimated doubts of the existence of a God. His position was, that all human knowledge was either positive or inferential; that all inferential knowledge was imperfect and uncertain, depending upon a process of the human mind which could not in its nature, be conclusive; that our knowledge of the physical world was positive, while that of a Creator of it was inferential; that God was neither seen nor felt, nor in any manner manifested to our senses, but was the deduction from a syllogism, a mere probability from the combinations of human reason; that of the present existence of matter we have positive knowledge; that there was a time when it did not exist we assume without proof, for the purpose of assuming equally without proof, an eternal Creation of it.<sup>6</sup>

Adams's is a concise statement of the way things stood for Bentham, but it is also important to note the conviction with which this unbelief is stated. Duncan Howlett has pointed it out as a persistent defect in the religious person's perception of the atheist that he fails 'to see how deeply the so-called unbeliever believes; ... to recognize that he is an unbeliever because of his positive beliefs': It is on the basis of these 'positive beliefs' that the unbeliever repudiates the concept of miracles and that he can find no evidence that divine intervention occurs in the world. All the evidence points the other way, to a 'non-miraculous world'.<sup>7</sup> What Adams's statement highlights is the depth of Bentham's conviction, and this makes us better understand the venom of his critique of religion. He could not remain a

passive unbeliever; his profound belief in a material world free from all spiritual content made of him an active, not to say a zealous, atheist committed to the promulgation of his beliefs, and it gave him comfort when he was in the company of those who shared his views.<sup>8</sup> As we have also seen, it gave him cause for much anger when atheists were persecuted for their unbelief.<sup>9</sup> To such persecution he was always hostile. But even in the ordinary way of things there could be no compromise for Bentham. The spirit of dogmatic theology poisons everything it touches, he argued, and religion is a principal cause of many of the evils of this world. Simple theism without an ecclesiastical establishment or even without Christianity would still be a curse.

At the heart of the confidence with which Bentham condemned religion, then, was the scientific framework of his view of the world. To this source can also be traced his failure to comprehend the inner spirit which motivates the truly religious person. Surely it was the height of injustice for Bentham to suppose that philanthropists inspired by religious beliefs, like the saintly penal reformer John Howard and Bentham's supporter in the Panopticon affair, William Wilberforce, tried to do good simply from fear of Hell and hope of Heaven? He never really understood the distinction between reasoning, which is based on knowledge and experience, and faith, which involves the total personality in submission to the highest ideal. This is not to say that there is no 'reasoning' or 'reckoning' to be done in religion or theology. It is, as Stephen Toulmin explains, 'only to mark the differences between the kinds of "reasoning" one can



sensibly call for, in science ... on the one hand, and in religion, on the other'.<sup>10</sup> But what is clear is that the 'reasons' for one's religious beliefs are not and cannot be given in terms of scientific proofs or rational demonstration; ultimately all comes back to faith. When we discuss matters of religion, therefore, we must seek less for rational demonstration than for 'evidences' of their truth.<sup>11</sup> For Bentham reason, through science, tells us what is and what is to be expected. Faith, on the other hand, as the author of the Epistle to the Hebrews puts it, is concerned with 'the confidence of things which are hoped for, and the certainty of things which are not seen'.<sup>12</sup> Paley, who shared Bentham's view of psychological hedonism, nevertheless knew that the essence of Christianity was internal and mysterious. As he wrote in A View Of The Evidences Of Christianity:

The kingdom of heaven is within us. That which is the substance of religion, its hopes and consolation, its intermixture with the thoughts by day and by night, the devotion of the heart, the control of appetite, the steady direction of the will to the commands of God, is necessarily invisible. Yet upon these depend the virtue and the happiness of millions.<sup>13</sup>

Bentham's utilitarianism with its materialist and nominalistic underpinnings could not encompass the 'internal' and 'mysterious', and this impoverished his analysis. At the very point where his method touches upon man's spiritual nature he halts the examination. In the 'Essay On Logic' the 'bifurcate exhaustive' method of division and subdivision ends abruptly on one side of the first division of man's nature. Having divided man in the first instance into 'corporeal' and 'incorporeal' substances Bentham only continues the analysis on the physiological side of the division. This is a tacit avowal of the

limitations of his science of man. Whatever is not reducible to concrete entities, he says, does not exist; but this is, in his sense of it, a tautological statement. That the belief that man does not have a spiritual nature should foster a science of man that cannot deal with man's inner-most feelings is hardly surprising. However, it is surely false logic subsequently to employ this science to 'prove' that the belief in man's spirit is unfounded or that the God he worships does not exist.

Bentham's unbelief owes a debt, too, to the French Enlightenment. His vehement and ironic language when disparaging religion is frequently reminiscent of that used by Voltaire, Helvétius and D'Holbach in their condemnation of French clerics and the religious doctrines they espoused. Like the philosophes, too, Bentham argued that he must destroy in order to build and he often followed them in using metaphors of aggression to dramatize his destructive activities.<sup>14</sup> Voltaire used to say, 'I'm tired of being told that twelve men sufficed to establish Christianity, and I'm longing to prove that only one is needed to destroy it'.<sup>15</sup> Bentham thought similarly and sought to bring about the destruction. Like Voltaire also, his hatred of religion increased with the passage of years. He first attacked clericalism and religion as an agency of moral regulation, and later launched a furious assault upon the Scriptures, the dogmas of the Church and the person of Christ himself. The irreligion of both men was militant and aggressive. ~~Of the~~ great influence of Helvétius on Bentham I have said enough already. It was with the Baron D'Holbach, however, that Bentham had most in common in his approach to religious matters. To D'Holbach 'an atheist is a man who knows nature and its laws, who

knows his own nature, and who knows what it imposes upon him.' His principles 'are much less liable to be shaken than those of the enthusiast, who founds his morality upon an imaginary being, of whom the idea so frequently varies, even in his own brain'.<sup>16</sup> But more than this an atheist 'is a man who destroys chimeras prejudicial to the human species, in order to reconduct men back to nature, to experience, and to reason'.<sup>17</sup> The strict empiricist would, like Hume, be forced to suspend judgement, since atheism (like Christianity) is the laying claim to a form of knowledge that essentially lies outside man's capacities. But Bentham preferred to follow D'Holbach in roundly condemning religion as a source of human misery and exposing its principles as empty imaginings and intellectual confusions. In this he stood with the philosophes and his anti-clericalism and atheism all come dressed in philosophe clothes. Bentham, as many have said before (though not necessarily for the same reasons) was 'the English philosophe'.<sup>18</sup>

To this we might add that Bentham was the last of the English philosophes. In the period following his death English moralists, and utilitarians among them, resumed the effort to find a place for religion within their thought. Even in France the rigorously critical spirit which accompanied the natural science approach to religion became blunted by the prophetic fervour and messianic expectation which characterised political thought in the years following the defeat of Napoleon.<sup>19</sup> During the Revolutionary period the French moved decisively away from the atheism of Helvetius and D'Holbach, with its strict separation of religion and ethics, toward the religious sensibility of Rousseau. The desire to build new philosophies to

replace the beliefs that had been abandoned served to balance the destructive mood of the Enlightenment. Indeed, the substitution of the Republican Calendar for the Gregorian, the transforming of the parish churches of Paris into Temples of Reason, and the declaration of the Paris Commune that it would henceforth recognize only the religion of Truth and Reason were fitting preliminaries to Saint-Simon's Temple of Newton and Comte's Positivist Calendar. The new philosophic systems of Saint-Simon and Comte were in fact new religions. Having rejected Christianity the attempt was made to cling to religious commitment of one sort or another by redefining it in ethical or political terms.<sup>20</sup>

While we may safely assume Bentham's abhorrence for philosophies of this nature, it is notable that he shared with Comte certain peculiarities of character and thought.<sup>21</sup> Both men possessed an irresistible urge to build a "system" in which every discipline and science was to find its place and which was to account for all aspects of social, political and intellectual life. The character of their respective utopias was to be dictated by the form of these systems - the one Utilitarian, the other Positivist - and in so far as each prophesied a better world, their prophecy was not for a distant future but for the here and now. In fact each man persistently upbraided his fellowmen for delaying the institution of a felicity to which they believed there no longer existed any historical or scientific barriers that could not rationally be dispensed with. Nor can one resist the comparison between Comte's vision of himself as the 'high priest' of positivism and Bentham's dream of himself (c. 1780-82), recounted in language rich in religious allusions, as 'a founder of

French, particularly Comte, to construct a secular equivalent to Christian belief and practice - a 'secular religion' stripped of other-worldly referents. In the Utilitarian society men are bound to each other by the ordinary arrangements of the state and by the knowledge that ultimately their own happiness is dependent upon the actions of others. The only notion of common faith they share is belief in utility and in man's ability to build a new society free from the superstitions with which the old order was fraught. There is to be no Positivist 'priesthood', there are to be no modes of private or public worship, no religious signs or symbols however devoid of mysticism they might appear, no idolisation of the feminine virtues, and no 'Great Being' or 'Goddess' for men to contemplate. True, Bentham's Elysian Field was to be occupied by a count of mankind's great men similar to those in Comte's Calendar of 'saints' (heroes and benefactors serving as objects of veneration each with his own special "day"), but it was not 'Humanity' that was to be worshipped. For all his dependence on the theoretical principles of natural science, he could not elevate reason to a position where it became the object of a cult, and neither could he envisage a 'religion of humanity'. The notion of 'humanity' for Bentham could only be an abstraction, a 'fiction'; the presuppositions of his nominalist view of the world dictate that there are only specific individuals in the world, and it was these in their iconized form that he intended should be admired, respected, held in affection, and condemned for their misconduct. His aim was not to placate a religious need or to redirect religious sentiments to secular objects; he refused to recognize that man was anything more than a complex physiological being. The auto-icons, therefore, serve a useful function

Auto-Icon; Or, Farther Uses Of The Dead To The Living, written by Bentham in 1831-2 and printed for private circulation in 1842,<sup>24</sup> is an odd utilitarian tract which is again rich in allusions of a religious nature. In particular the immortality promised by Comte's positivism, the survival in memory, in the thoughts and affections of those whom a man benefitted and loved, finds a parallel in Bentham's suggestions for the creation of 'auto-icons'. Both for Comte and Bentham the only real sense in which a man lives on is in the memories of future generations, and like Diderot they thought this to be a more virtuous aim than the personalised kind of immortality promised by Christianity.<sup>25</sup>

Being an unbeliever and a rigorous utilitarian, at some point in his life Bentham was almost bound to consider the question 'of what use is a dead man to the living?' That this question should foster an entire thesis about the usefulness to be derived from corpses, particularly if they are the remains of men of some achievement and intellect, is also typically Benthamic. But that he should have been thinking along such lines even in his youth is extraordinary. As Bentham points out in the essay Auto-Icon, his decision to leave his body for the purposes of medical research was 'no hasty - no recent determination', but was decided as early as 1769 on the occasion of his coming of age (that eventful year in which he read Hume, Helvétius, and Beccaria).<sup>26</sup> As an indication of the indifference of one so young to religious practices Bentham's first will is interesting enough, but the request concerning his body, given the age in which he writes, is remarkable:

... as to my body my will is that it be buried by the rites of the Church of England, or the rites of any other Church, or no rites at all at the discretion of my Executor [Richard Clark], so that the funeral expenses do not in any wise exceed forty shillings. but it is my Will and special request to my Executor that if I should chance to die of any such disease as that in the judgement of my said Exor the art of Surgery or science of Physic should be likely to be any wise advanced by observations to be made on the opening of my body, that he my said Executor do cause my said body as soon after my decease may be delivered unto George Fordyce now of Henrietta Street Covent Garden Dr. of Physic; ... and this my Will and special request I make not out of affectation of singularity; but to the intent and with the desire that Mankind may reap some small benefit in and by my decease, having hitherto had small opportunity to contribute thereto while living.<sup>27</sup>

In confirming this request in his final will (dated 30 May 1832)<sup>28</sup> not two months before his death, Bentham showed that he was entirely in agreement with Southwood Smith and others that people should leave their bodies for dissection and that this should be made legal.<sup>29</sup>

However, in the essay Auto-Icon, Bentham was to take the idea of the utility of corpses much further than merely this. Besides an 'anatomical' or 'dissectional' purpose auto-icons were to serve a 'conservative' or 'statuary' function. Of the first he says little: he discusses past methods of preserving bodies and the benefit to mankind derived from anatomical studies. For the remainder he refers us to Southwood Smith's essay on 'The Uses of the Dead to the Living', published in the Westminster Review, No. XII in 1824.<sup>30</sup> It is Bentham's suggestions under the second head which are the more interesting. He explains the auto-icon, absurdly enough, as a man who is his own image, preserved for the benefit of posterity, and discusses the many uses of embalmed bodies under the following divisions: "1. Moral; including

2. Political; 3. Honorific; 4. Dehonorific; 5. Economical, or Money saving; 6. Lucrative, or Money getting; 7. Commemorative, including 8. Genealogical; 9. Architectural; 10. Theatrical; and 11. Phrenological."<sup>31</sup> One of the more curious possibilities Bentham suggests, however, is the use of auto-icons in a religious manner. 'On certain days', he writes, 'the Auto-Icons might be exhibited, and their exhibition associated with religious observances. Every sect would choose its own exhibition-day.'<sup>32</sup> 'Out of Auto-Icons, a selection might be made for a Temple of Fame - not in miniature - a temple filled with a population of illustrious Auto-Icons'.<sup>33</sup> Bentham even envisaged Temples of Honour and Temples of Dishonour, with the transference of Auto-Icons from one to another depending on the current state of public opinion, and even an 'Auto-Icon purgatory' in which are to stand, with their heads turned away from public view, those Auto-Icons judged unfavourably by mankind.<sup>34</sup> Auto-icons, rich, poor, famous, and infamous, would replace the monuments of conventional religion in the Churches, realizing the Christian equality which escapes mankind in life: all would be 'on the same level' and 'the beautiful commandment of Jesus would be obeyed; they would indeed "meet together", ...'<sup>35</sup> 'Dialogues of the Dead' are suggested for their theatrical and educational possibilities. Bentham fancies an Elysian Field of the auto-icons of famous philosophers who, by the aid of actors using mechanical devices, are to converse before a studious audience on the progress of their respective sciences and discuss the ideals for which they laboured while alive in the flesh.<sup>36</sup> Typically enough Bentham offers snippets of conversations that might



take place between himself and Socrates on the subject of happiness and the philosophical developments of the past two thousand years; with Bacon and D'Alembert on 'the Encyclopedical Tree'; with Bacon, Dumont, and Montesquieu on the 'Law as it ought to be'; with Locke on the fiction of the original contract; with Porphyrius, Locke, and Bishop Sanderson on logic; and with Euclid, Apollonius, Diophantus, Newton, and La Place on mathematics.<sup>37</sup> Finally, pilgrimages to the shrines of old philosophers are suggested as fitting substitutes for the pilgrimages to the shrines of old saints and martyrs.<sup>38</sup>

In this secular society, however, there was to be no God and the idea of an immortal soul was to be banished from discourse. Men would live on in the Utilitarian society only through their achievements and their presence as ideas in the minds of the men who came after them. There being no supernatural sanction for morality, a man's reward for his contributions to the public good would be to be remembered affectionately by his family and to be commemorated by his fellow citizens. Religious rewards and punishments in a future life would be replaced by the verdict of future generations, a verdict renewed century after century in the case of great men.

What are we to make of all this? In the first place, it is obvious that Bentham found it almost impossible to divorce his train of thought from the practices of conventional religion. Yet he maintained the difference: in his secular observances no spiritual content is to be found. At this point the affinity between Bentham and his French contemporaries, revolutionary and philosophical, ends. His desire to eliminate the idea of religion, to the end of constructing a new society unhampered by myth, contrasts with the efforts of the

French, particularly Comte, to construct a secular equivalent to Christian belief and practice - a 'secular religion' stripped of other-worldly referents. In the Utilitarian society men are bound to each other by the ordinary arrangements of the state and by the knowledge that ultimately their own happiness is dependent upon the actions of others. The only notion of common faith they share is belief in utility and in man's ability to build a new society free from the superstitions with which the old order was fraught. There is to be no Positivist 'priesthood', there are to be no modes of private or public worship, no religious signs or symbols however devoid of mysticism they might appear, no idolisation of the feminine virtues, and no 'Great Being' or 'Goddess' for men to contemplate. True, Bentham's Elysian Field was to be occupied by a count of mankind's great men similar to those in Comte's Calendar of 'saints' (heroes and benefactors serving as objects of veneration each with his own special "day"), but it was not 'Humanity' that was to be worshipped. For all his dependence on the theoretical principles of natural science, he could not elevate reason to a position where it became the object of a cult, and neither could he envisage a 'religion of humanity'. The notion of 'humanity' for Bentham could only be an abstraction, a 'fiction'; the presuppositions of his nominalist view of the world dictate that there are only specific individuals in the world, and it was these in their iconized form that he intended should be admired, respected, held in affection, and condemned for their misconduct. His aim was not to placate a religious need or to redirect religious sentiments to secular objects; he refused to recognize that man was anything more than a complex physiological being. The auto-icons, therefore, serve a useful function

entirely divorced from any spiritual or mystical considerations. They inspire, disgust, and are aids to instruction, but they cannot do any more than this. From the stories of their lives, their failings and achievements, their contributions to the public good and their crimes against the community, we can learn how best to conduct our own lives. But there is no use in our praying at their feet for guidance or forgiveness, for grace or salvation. In this they are impotent. 'Has religion anything to do with the matter?' asks Bentham. 'Nothing at all. Free as air does religion leave the disposal of the dead.' Religion is silent, 'neuter', having nothing to do with the business: 'The religion of Jesus leaves it to rank among things indifferent'.<sup>39</sup>

Bentham's aim was to build a Utilitarian "heaven" on earth, but it was to be a heaven without gods, angels, saints, or any other fictional 'beings' or other-worldly entities. Religion is entirely absent from this utopia; in its most perfect condition the secular Utilitarian state is peopled by atheists who deny both the existence of a spiritual aspect of their nature and the reality of a world beyond the perceptible physical universe, and who order their lives in strict accordance with the rational dictates of the principle of utility. To be sure the inevitable hardships and inequalities of life will not disappear in the Utilitarian utopia:

Fire will burn, frost pinch, thirst parch, hunger grip as heretofore: toil even as now must be the prelude to subsistence: that the few may be wealthy, the many must be poor: all must be tantalized more or less with the prospect of joys or supposed joys, which they are out of hopes of tasting, and how much lighter soever coercion may sit than it does now, coercion must be felt, that all may be secure.<sup>40</sup>

Nor could Bentham conceive of the world in any other terms. Lacking any sense of man's incorporeal nature, religious or otherwise, and lacking, too, the younger Mill's profound understanding of the capacity of men for self-development, he concluded that 'Sense, which is the basis of every idea, is so of every enjoyment; and unless man's whole nature be new modelled, so long as man remains man the stock of sense ... never can increase'.<sup>41</sup> Man, as a bundle of sensations, will always remain just that, and this meant that in the Utilitarian utopia the onus of endeavour lay with the legislator; he it is who must contrive to manipulate and coerce men into conformity with the dictates of utility. In so far as he succeeds in this task the stock of happiness will be increased, and in so far as he fails it will be diminished. There is nothing internal to the nature of men that can save them from this ignoble dependence; pain and suffering are part and parcel of the world they inhabit and all attempts to transcend this reality constitute forms of escapism which are in their nature illusory. What progress there is to be had is to be had by altering the social and political arrangements; they must be stripped of all superstitious and mystical elements and all other impediments to the task of maximising utility. Such a functional utopia is characterised by adequacy and efficiency; spiritually and emotionally impoverished, it could never rise to the level of magnificence. The poverty of this vision is, of course, firmly rooted in Bentham's social science and specifically in his understanding of human nature, but we should not doubt the strength of his commitment to its creation. His aim was to construct the Utilitarian utopia according to the principles of his exhaustive legis-

latorial system, and it was to this end that the 'sect of the utilitarians', the works of their great 'founder' in hand, were to devote all their efforts.

## • Chapter IX: Footnotes

<sup>1</sup> Baumgardt, Bentham And The Ethics Of Today, p.483.

<sup>2</sup> U.C. Box 69/36 (c. 1774). Even at this early stage Bentham held that where matters of virtue or vice are unaffected questions of theology are unimportant. Questions of theology, he wrote, in the manuscripts on subscription, in so far as the disputes they occasion do not affect morals, are akin to problems in mechanics: 'Vice gains nothing Virtue loses nothing by a decision of the Question one way more than another'. U.C. Box 96/327 (c. 1773). And again: 'It is his indifference to the happiness of mankind that ... suffers ... a man to acquiesce in such principles unfavourable to it which have been inculcated into him under the name of Religion'. U.C. Box 96/289 (c. 1773).

<sup>3</sup> Concerning his early doubts about religious beliefs Place writes: 'Hume's writings put an end to them for ever, all doubt vanished and I was ever after at ease on this subject'. The Autobiography Of Francis Place, p.121.

<sup>4</sup> Writing to Place of his meeting with Archibald Prentice, author of a History Of The Anti-Corn Law League (2 vols. London 1853), Bentham speculates that the reason Prentice had taken a dislike to Place is due to the fact that 'he is juggical; Calvinistic; is descended from two parsonical grandfathers of considerable notoriety'. Bentham adds: 'As to the point in question, I took care not to let him know how my opinion stood; the fat would have been all in the fire, unless I succeeded in converting him, for which there was no time; all I gave him to understand on the score of religion as to my own sentiments was, that I was for universal toleration; and on one or two other occasions I quoted Scripture'. JB to Place (24 April 1831), quoted by Wallas, Life Of Place, p.82.

<sup>5</sup> Colls, Utilitarianism Unmasked, pp.18, 49, 50.

<sup>6</sup> Memoirs Of John Quincy Adams, vol. III (entry for 8 June 1817), p.564.

<sup>7</sup> Howlett, The Critical Way In Religion, p.183.

<sup>8</sup> James Mill provides the testimony for his own unbelief in a letter to Place (6-13 Sep. 1815): 'I am glad you like the article in the British on Dugald Stewart. Did you observe how cunningly the author (whoever he is) makes a juggical review preach flat atheism, & prove that there is not an argument for the existence of God which will bear to be looked at for a moment?' BL Add. Mss. 35,152/163. The article mentioned.

is a review by Mill of Dugald Stewart's recently published Elements Of The Philosophy Of The Human Mind, vol. II (Edinburgh 1814), the first volume of which had appeared in 1792. Sections of James Mill's Commonplace Books also offer evidence of his unbelief. See CPB vol. II, p.82, and vol. III, p.201. For a transcription of Mill's letter to Place, I am once again indebted to Professor R.A. Fenn.

<sup>9</sup>See JB to Richard Carlile (c. 1821), Works, vol. X, p.528.

<sup>10</sup>Stephen Toulmin, Reason In Ethics (1950: Cambridge 1970), p.216.

<sup>11</sup>ibid., p.217.

<sup>12</sup>Hebrews xi. 1, quoted Toulmin, ibid., p.216. 'Through faith we understand that the worlds were framed by the word of God, so that things which are seen were not made of things which do appear'. (xi. 3).

<sup>13</sup>Paley, A View Of The Evidences Of Christianity, p.417, quoted LeMahieu, The Mind Of William Paley, p.113.

<sup>14</sup>For the relation between destruction and construction in the thought of the philosophes and their use of aggressive metaphors see Gay, The Enlightenment, vol. II, pp.130-2.

<sup>15</sup>Quoted by H. Daniel-Rops, The Church In The Eighteenth Century, trans. John Warrington (London and New York 1964), p.47.

<sup>16</sup>Baron D'Holbach, The System Of Nature; Or, The Laws Of The Moral And Physical World (1770: Boston 1889), pp.307, 308.

<sup>17</sup>ibid., p.300.

<sup>18</sup>The comparison made by Michael Oakeshott in 'The New Bentham' goes too far: Bentham was a philosophe rather than a philosopher, a man with belief in 'encyclopedic knowledge', 'remarkable for his general credulity', who 'begins with a whole miscellany of presuppositions which he has neither the time, the inclination, nor the ability to examine'. He has little in common with the philosopher. 'For the philosophe the world is divided between those who agree with him and 'fools'; 'science' is contrasted with superstition and superstition is identified with whatever is established, generally believed or merely felt'. Scrutiny, No. 1 (1932-33), p.120.

<sup>19</sup>For a discussion of this period of French thought see D.G. Charlton, Secular Religions In France 1815-1870 (London 1963).

<sup>20</sup> *ibid.*, pp.4-5.

<sup>21</sup> W. Stark compares the psychological peculiarities of Bentham and Comte in 'Psychology of Social Messianism', *Social Research*, vol. 25, No. 2, July 1958. I cannot go as far as Stark to submit that Comte and Bentham 'were fundamentally saints', nor reasonably describe them as 'poor maniacs'. Compare Stark's evidence for Bentham's selflessness (pp.150-2) with Gertrude Himmelfarb's arrogant, conceited and self-promoting Bentham in 'Bentham Scholarship and the Bentham Problem', *The Journal Of Modern History*, vol. 41, No. 2, June 1969.

<sup>22</sup> U.C. Box 169/79, 'Dream' (c. 1780-82). The text of this ms. is ambiguous here. A plausible alternative reading might be that it was the angel, symbolising the Church, who crammed the principles of religion down the throats of the people, but other references in the 'dream' appear to support the interpretation given.

Bentham often used religious terminology and referred to religious figures when describing his thought and its importance. For examples see Bahmuelier, *The National Charity Company*, pp.66-7, 167. On one occasion Bentham fancied himself as the 'Luther of Jurisprudence' come to search with 'penetrating eye and dauntless heart' into the cells and conclaves of the law. *Rationale Of Judicial Evidence*, p.270n. The description of Bentham by Bruce Mazlish as 'a very eccentric version of Jesus Christ' takes such comparisons too far. James And John Stuart Mill. *Father And Son In The Nineteenth Century* (New York 1975), p.132.

Colls described Bentham as 'a self-worshipper', and blamed Bowring's excessive flattery for this: 'Dr. Bowring made him quite the god of his idolatry: as if irresistibly impelled to extremes, he was perpetually lavishing on him the warmest eulogies and adulation, often too palpable to be endured by any other than the unmercifully-bespattered subject of them himself'. *Utilitarianism Unmasked*, pp.9, 10.

<sup>23</sup> Not that Bentham feared death. Bowring wrote of Bentham in his final days: '... I have never known a human being to whom the thought of death had so little in it that was disturbing or disagreeable'. *Works*, vol. X, p.556. Peter Gay has commented on this characteristic of the atheistic philosophers of the age of Enlightenment: '... for men seeking to vindicate the autonomy of philosophy and its superiority to all other guides to life, philosophical bravery in the face of death was simply another argument against the need for religion'. *The Enlightenment*, vol. II, p.88.

<sup>24</sup> In a note at the head of the work Bowring (or perhaps John Hill Burton) relates that Bentham spoke of this as his 'last work'. For a discussion of the context in which Bentham wrote this tract, verification of its authenticity and other details concerning its printing, and the execution of his will as it concerns his remains, see G.F.A. Mamoy, 'The 'Auto-Icon' of Jeremy Bentham at University College, London', *Medical History*, vol. II, No. 2, April 1958.



<sup>25</sup>For Diderot's view of posterity see John McManners, Death And The Enlightenment. Changing Attitudes To Death Among Christians And Unbelievers In Eighteenth-Century France (Oxford 1981), Ch. 6, sec. IV.

<sup>26</sup>Auto-Icon: Or, Farther Uses Of The Dead To The Living (printed but not published 1842), p.2.

<sup>27</sup>The Will of Jeremy Bentham (24 Aug. 1769), Correspondence vol. I, Letter 84a. This will was made six months after Bentham's coming of age and was apparently sent by him to Dr. Southwood Smith, who eventually performed the autopsy upon his remains, some two months before his death, and the latter quoted the final sentence from the will in A Lecture Delivered Over The Remains Of Jeremy Bentham, Esq. ... On The 9 June, 1832 (London 1832), p.4.

<sup>28</sup>A typed copy of the final will is to be found in U.C. Box 155/36-8 (1928).

<sup>29</sup>Warburton's Anatomy Act was passed in 1832, the year of Bentham's death. For a discussion of the agitation which led up to the legislation of the practice of dissecting corpses for medical purposes see M.J. Durey, 'Bodysnatchers and Benthamites: The Implications of the Dead Body Bill for the London Schools of Anatomy, 1820-42', The London Journal, vol. 2, No. 2, 1976.

<sup>30</sup>Later published in pamphlet form as the Use Of The Dead To The Living (Albany 1827).

<sup>31</sup>Auto-Icon, p.3.

<sup>32</sup>ibid.

<sup>33</sup>ibid., p.4.

<sup>34</sup>ibid., pp.6, 7.

<sup>35</sup>ibid., p.3.

<sup>36</sup>ibid., pp.12-13.

<sup>37</sup>ibid., pp.14-15. Bentham's auto-icon at University College, London raised this sarcastic but witty remark from Michael Oakeshott: 'What was mortal survived; what was immortal was buried and forgotten'. 'The New Bentham', p.114.

<sup>38</sup>Auto-Icon, p.15.

<sup>39</sup>ibid., p.16.

<sup>40</sup>U.C. Box 142/200 (c. 1795), quoted by Long, Bentham On Liberty, p.149.

<sup>41</sup>ibid., fn. 28.

## APPENDIX A

### THE BENTHAM MANUSCRIPTS ON RELIGION

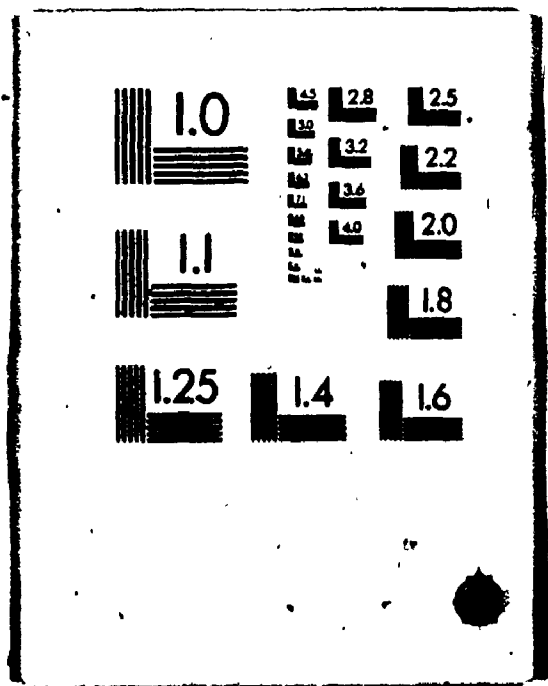
The current catalogues of Bentham manuscripts, those compiled by A. Taylor Milne and Douglas G. Long, employ two distinct approaches. With few exceptions Milne catalogued the manuscripts at University College Library according to the boxes in which they are to be found. More recently Professor Long, making extensive use of Milne's work, has supplied us with an index arranged chronologically. In their different and complementary ways both these catalogues have been, and will surely continue to be, indispensable guides for scholars interested in Bentham's voluminous stocks of unpublished material.

The following lists of manuscripts, however, is unlike that of Milne's and Long's in two ways. First, they are organised, not according to boxes or dates, but primarily according to the thematic relationship that each set or group of manuscripts bears to Bentham's published work on religion. Second, while they do not include all the manuscripts stored at University College they include all the relevant material in the possession of the British Library. The merit of this approach is that it allows us more easily to appreciate i) the frequency with which Bentham returned again and again to consider particular aspects of religion, and ii) how much of his long and full life he devoted to the subject as a whole, something not considered by scholars in the past.

In compiling these lists I have received fruitful guidance from James Steintrager's 'Report On The Problems of Editing Bentham's Writings On Religion', but for further details the catalogues of Milne and Long should be consulted.

# 55

OF / DE



A. Swear Not At All

- 1 5/1-32 Subscription (1773; Milne and Long, before 1800)
- 2 96/263-341 jottings, reflections, etc. mostly titled Subscription, but including remarks on penal laws and Dissenters, the Sabbath, trinitarianism and other topics (pre-1775, probably 1773)
- 3 73/4-31 Penal Law, including some fragments on Popery and Dissenters (c. 1774; Milne and Long, c. 1774-6)
- 4 169/152 On Toleration - to the Public Advertiser - Answer by a Church of England man (1789).
- 5 158/1-51 marginals for Evidence - Book IV Exclusion (1803, 1804, 1806, 1811)
- 6 47/40-215 includes material for Evidence - Exclusion (1806, 1808, 1824)
- 7 109/40-2 fragments on Episcopalians, Seceders, Roman Catholics and Cameronians in relation to Scotch Reform (c. 1808)
- 8 5/33-93 Causes and forms of Intolerance and Science of Divinity (probably 1812-13; Milne and Long before 1800)
- 9 13/143-6 a letter to John Cam Hobhouse on the subject of Catholic Emancipation (1820)

B. Church-Of-Englandism

- 1 108/108 jottings on Church Establishments with reference to Edmund Burke (1790-8)
- 2 128/1-48 includes fragments on the Church amidst unrelated miscellanea (1809-10)
- 3 147/1-507 Sinecures (1810)
- 4 6/1-209 various outlines, topic suggestions, marginalia, fragments of text, chapter and section headings, etc. for a work entitled 'Church' (1812-13)
- 5 5/94-316 Church Part II Doctrines (1813; Milne and Long, 1812-13)
- 6 158/123-230 marginalia for Church-Of-Englandism on the subject of the Catechism (1813, 1814, but mainly March 1815 and May 1816)
- 7 7/1-160 material for Church-Of-Englandism (1816)
- 8 6/210-11 Church Catechism - JB to W. Smith, M.P. (1818)
- 9 BL Add. Mss.  
33,545/258,  
262-6 Smith's reply to Bentham (16 Feb. 1818)
- 10 BL Add. Mss.  
33,551/307-8 preface intended for a new edition of Church-Of-Englandism (27 Oct. 1822)
- 11 8/149-73 includes fragments for the Book Of Church Reform (1831)
- 12 BL Add. Mss.  
33,551/231-8 identified by Steintrager as drafts 'for the new preface used in the Book Of Church Reform' (1831)

C. Not Paul, But Jesus

- 1 73/90-180 on sexual nonconformity (c. 1774)
- 2 74a/1-26 fragments on sexual nonconformity including an outline, marked on p.26 'Dedicated to J.B.' (c. 1774)
- 3 72/187-205 Paederasty (c. 1785)
- 4 74a/27-34 the beginnings of an essay in French on Nonconformité (c. 1785)
- 5 14/19 Deontology private - catechism or Jug true (c. 1800)
- 6 138/155-60 mainly jottings on miracles (1811)
- 7 139/1-211 marginalia, topic headings, extracts from Paul's Epistles, for Not Paul, But Jesus (1813, 1815, 1817, 1818, 1819)
- 8 139/212-331 material employed in Not Paul, But Jesus (1813, 1815, 1817, 1821)
- 9 74a/35-222 mss. under the headings of 'Code penal - sexual' (1814) and 'Sextus' or 'Not Paul' (1816), the latter intended for the second part of Not Paul, But Jesus
- 10 138/1-154 outlines and marginalia for the proposed 'True History of Jesus' (mostly 1815, but some dated 1819, 1821, 1822)
- 11 161a/141-214 generally suppressed material on the doctrinal differences between Paul and Jesus intended as the transition to Sextus, i.e., the second part of Not Paul, But Jesus (1816, 1817, 1818)
- 12 139/332-444 the intended 'Appendix: Paul's Inducements' suppressed from Not Paul, But Jesus for want of space (1816, 1817, 1818, 1823)

- 13 161a/1-19 the proposal to William Beckford to edit Sextus, together with a detailed outline and some fragmentary material for that work (1817)
- 14 161a/20-140 material incorporated into Not Paul, But Jesus (1817, 1818)
- 15 161b/215-523 'Asceticism: its repugnancy to the religion of Jesus', intended as the third part to Not Paul, But Jesus (Dec. 1817, 1818)
- 16 139/445-531 the almost completed 'Church History' suppressed from Not Paul, But Jesus for want of space (1817, 1819, 1823)
- 17 139/532-9 seven annotated proof sheets of the Summary View Of Not Paul, But Jesus (1821)
- 18 145/1-152 Bible clippings (without annotations) arranged according to topics for Not Paul, But Jesus and the proposed 'True History of Jesus' (c. 1821)

D. Analysis of the Influence of Natural Religion

- 1 69/1-42 Crit Jur Crim - including fragments on the religious sanction (c. 1774)
- 2 140/1-20 Crit Jur Crim - including fragments on the religious sanction (1775)
- 3 98/53-117 Penal Code - religious sanction, pp.53-66, and délits religieux, pp.67-117 (c. 1775-85)
- 4 87/17-41 Indirect Legislation - the comparative force of the three sanctions (c. 1780)

## 5 BL Add. Mss.

29,806-809 contains material used by Grote for the Analysis and mss. intended for subsequent parts of this work (1811-12, but mainly 1811, 1815, 1819, 1821). See Appendix B.

6 138/161-9 drafts on the utility of religion (1825, 1830; Milne and Long, 1815, 1830)

E. Miscellaneous Manuscripts

1 71/1-214 Penal Code - including fragments on offenses against religion (c. 1780)

2 148/72-122 letters to Toreno on the subject of a Spanish Code (see 148/1-71) - Letter VII On Religion (1821)



## APPENDIX B

### THE 'PLAN OF THE WORK' FOR THE ANALYSIS

IN BM Add. Mss. 29,807/157-62

This appendix is based on Professor Steintrager's outline contained in his unpublished 'Report On The Problems Of Editing Bentham's Writings On Religion', and corresponds to the mss. in item 5 of list D in Appendix A.

Bk. I     The Usefulness of Natural Religion in the Present Life Examined.

Part I.   The Usefulness of Natural Religion, Verity Not  
            Considered.

Part II.   The Usefulness of Natural Religion, Verity Considered.

This corresponds to the Analysis as it was edited by Grote.  
and published.

Bk. II     The Usefulness of Revealed Religion in the Present Life Examined.

Part III.   The Usefulness of Revealed Religion at large, apparent  
            verity considered.

There exists 125 pages of manuscripts on miracles and the nature  
of belief which belong to this part.

Part IV.   The Usefulness of the Religion of Jesus, its apparent  
            verity considered in a general point of view.

There exists forty pages of an outline principally concerning  
introductory matter on the truth of Gospel history, and fifty-  
five pages on the 'Resources of Jesus' (e.g., parables and  
mysterious language) belonging to this part.

Part V. On the Usefulness of the Religion of Jesus, verity apart or not considered.

Some of this material was used by Grote for Part II of the Analysis. In addition, there are almost 250 pages on the mischievous character of Christianity, and a brief chapter acquitting Jesus of the charge of asceticism.

Bk. III The topic of this volume (?) was to have been the evils of established religions, but Bentham was uncertain whether to publish it separately.

Part VI. Jesus Displayed: Or the True History of Jesus as deduced from a critical examination of the documents.

There exist sixty-three pages dealing with the 'Preliminary Period' (from the beginning of the Gospel account to the start of the public life of Jesus), and several other fragments in U.C. Box 138 (1815).

Part VII. The Religion of Jesus considered under the form given it by Religious Establishments.

There are twenty pages dated 1811 meant for this part which includes a later note by Bentham that 'in Church of Englandism it is true there is no small quantity of matter applicable to this subject: which matter might be borrowed by the Editor of this from the author of that without much approbation (sic) of prosecution for piracy'.

Part VIII. The Natural History of the Jews to the time of Jesus. There exist no manuscript pages for this part.

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